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ABSTRACT

This manual is the outcome of a one-year study of police action to divert youthful offenders from the juvenile justice system, an action advocated by every major commission examining the system since the early sixties. The manual is intended to guide police, social service agencies, and other concerned individuals and organizations through the diversion process. The reader is introduced to the historical basis for handling juvenile delinquents and to the recent push for alternatives; in this context the manual offers a rationale and definition of diversion and a description of the process with criteria for determining whether a youth is a suitable candidate for diversion. The manual also discusses such issues as protection of due process rights, record keeping, and implications of diversion for the juvenile justice system. The last section of the manual describes the operation and funding of juvenile diversion programs, and appendices contain information about existing programs in the United States. (Author/CS)

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POLICE-JUVENILE DIVERSION:
AN ALTERNATIVE TO PROSECUTION

U.S. DEPARTMENT OF HEALTH,
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by

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"What if" is asked
frequently by folks
who don't want to
hear "here's how"
mark bertler

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PREFACE

Concerned individuals and organizations have recognized the need for more information on alternatives to the handling of youthful offenders through the traditional processes of the juvenile justice system. Such an alternative, advocated by every major commission examining the juvenile justice system since the early nineteen sixties, is the diversion of juveniles out of the system, whenever possible, by the police.

This manual is the result of a one-year study of police-juvenile diversion. The study consisted of both a literature review and an examination of operating programs. It is the intention of this report to guide the police, service delivery agencies, and other concerned individuals and organizations through the diversion process. It offers practical guidance in the mastering of the process, while providing sound conceptual grounding to insure confidence and success for the practitioner.

The reader is first introduced to the historical basis for the handling of juvenile delinquents and the recent push for the development of alternatives to that process, which has been found to fall far short of the goals which were set for it. The Michigan definition for diversion is explained, and supporting rationales for diversion are enumerated. A description of the process follows with criteria for determining whether a child is a suitable diversion candidate.

Issues in juvenile diversion are discussed to acquaint the reader and practitioner with problems which are likely to be found when the police use diversion. These issues include a discussion of the system implications resulting from this new police activity. Programs are described in the last section of the manual, and their operation, including funding, is discussed. The appendix contains operational information on existing police diversion programs.

J.R.S.
D.M.R.

FOREWORD

This manual, "Police-Juvenile Diversion: An Alternative to Prosecution," is an attempt to meet the needs of the police and others in developing alternatives for the handling of juveniles. The Michigan State Police, through its Community Services Section, has surveyed the "state of the art" in police-juvenile diversion to draw together the most recent and applicable sources. This effort has been made possible through the co-operation and funding of the Michigan Office of Criminal Justice Programs and the Law Enforcement Assistance Administration.

This manual conforms to the Criminal Justice Goals and Standards for the State of Michigan, "Diversion of Juveniles from the Juvenile Justice System" (adopted September, 1977). This compliance to the Standards is an effort to upgrade the handling of juveniles in this state to insure fair and equitable treatment for our youth. We trust this manual will provide a positive, effective program to achieve this end.

Col. Gerald L. Hough, Director
Michigan Department of State Police

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The co-authors are indebted to the directors and project staff of each diversion site which was visited for their willingness to share the successes and failures of their programs. We are also indebted to Hunter Hurst and Dan Smith of the National Center for Juvenile Justice for their insight into the research aspects of police diversion.

We also want to thank Capt. Donald Bennett, Lt. James Daust, and Sgt. Michael Moyes for their patience and encouragement which helped bring this project to fruition. Ralph Monsma of the Michigan Office of Criminal Justice Programs was also helpful for his guidance and advice as the project's grant manager. A special thanks goes to Judith Cross for the outstanding and diligent work in typing this manual.

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Section 1

INTRODUCTION

Section 1

INTRODUCTION

Juvenile delinquency is, unquestionably, one of America's serious problems. Federal, state, and local governments, as well as the academic community, have struggled with little success against rising juvenile crime. The total number of juveniles arrested in the United States in 1976 for all offenses was 1,973,254 or approximately 25 percent of the total persons apprehended in the United States.[1] Between 1960 and 1976, the number of juveniles apprehended increased 416 percent, while the reporting population of the United States increased only 129 percent.[2] In Michigan, juveniles under the age of 17 accounted for 33 percent of the state's index apprehensions.[3]

Since the end of the nineteenth century, the primary answer to the juvenile delinquency problem has been the juvenile court system. In the 1960's, there was a growing wave of dissatisfaction with the ability of the juvenile court to handle the problem. The President's Commission on Juvenile Delinquency and Youth Crime in 1967 recommended that "dispositional alternatives to the juvenile court adjudication must be developed."[4] The dissatisfaction has centered around several issues, including the inability of the juvenile court to handle its staggering caseload and the appropriateness of using the full legal weight of the juvenile justice system to handle all juvenile offenders.

The juvenile court was a reaction to the criticism of combining juvenile delinquents and adult criminals in the

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[1] U.S. Department of Justice, Crime in the United States, 1976, Uniform Crime Reports (Washington: Government Printing Office, 1977), p. 181.

[2] U.S. Department of Justice, Crime in the United States, 1960, Uniform Crime Reports (Washington: Government Printing Office, 1961), pp. 96-99.

[3] Michigan State Police, Michigan Uniform Crime Report, 1976 (Lansing, Michigan: Department of State Police, 1977), p. 13.

[4] Task Force on Juvenile Delinquency, President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington: Government Printing Office, 1967), p. 2. [Hereinafter referred to as the Task Force Report.]

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same judicial and penal system. It was thought that the separate court would promote rehabilitation. The child was to receive special treatment from persons devoted to rehabilitation instead of punishment. This court system was based on the theory of *parens patriae* which allows the state to act in *loco parentis* over wayward children. The state's role was not to determine guilt, but to determine what should be done in the best interest of the child.[5] However, as the system progressed, the process became more bureaucratic and adversary instead of remaining benevolent as it was conceived.

In Kent vs. United States[6] and in In re Gault,[7] the Supreme Court began to enumerate the constitutional rights of children, including the right of notice of the charges,[8] the right to counsel,[9] the privilege against self-incrimination,[10] and the right to confront and cross-examine witnesses.[11] However, in the Kent case, the Court also took the opportunity for a scathing repudiation of the effectiveness of the juvenile court in carrying out its stated goal of rehabilitation. The Court cited the high recidivism rate, the serious stigma resulting from a delinquency adjudication, and the lack of difference between the judicial processing of juvenile and adult cases.

> There is evidence, in fact, that there may be grounds for concern that the child receives the worst of both worlds: that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children.[12]

Because of increasing dissatisfaction over the years with the formal processing of youthful offenders in the juvenile court, the options of informal nonjudicial processing became increasingly popular. By 1968, over 52 percent of all delinquency cases (474,000 out of 899,000) referred to juvenile courts were disposed of nonjudicially.[13] The police and the prosecutor have traditionally disposed of juvenile matters informally; however, in recent years, the components of the juvenile justice system have increasingly used alternatives to formal processing of juveniles. This diversion of offenders from the formal process received a dramatic boost from the report of the President's Commission on Law Enforcement and Administration of Justice which stated that "the formal sanctioning system and pronouncement of delinquency should be used only as a last resort."[14]

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[5] See generally In re Gault, 387 U.S. 1, 16 (1967).

[6] 383 U.S. 541.

[7] 387 U.S. 1 (1967).

[8] Ibid. at 33.

[9] Ibid. at 41, 56.

[10] Ibid. at 55.

[11] Ibid. at 57.

[12] Kent vs. United States, 383 U.S. 541, 556 (1966).

[13] Office of Juvenile Delinquency and Youth Development, U.S. Department of Health, Education and Welfare, Juvenile Court Statistics: 1968, p. 12 (Washington: Government Printing Office, 1968) cited in Andrew W. Maron, "Constitutional Problems of Diversion of Juvenile Delinquents," Notre Dame Lawyer, LI (October, 1975), 26.

Congress joined the diversion movement with the passage of the Juvenile Justice and Delinquency Prevention Act of 1974,[15] which announced that it was the "declared policy of Congress...to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives...."[16]

HOW THIS STUDY CAME ABOUT

In 1973, the National Advisory Commission on Criminal Justice Standards and Goals advocated the use of diversion by stating:

> Every police agency, where permitted by law, immediately should divert from the criminal and juvenile justice system any individual who comes to the attention of the police, and for whom the purpose of the criminal or juvenile process would be inappropriate, or in whose case other resources would be more effective.[17]

The state of Michigan added its official weight to the diversion of juveniles in 1975 when the Michigan Advisory Commission on Criminal Justice stated that diversion is to be a state goal.

> Goal: To divert those juveniles who do not need the official intervention of the juvenile justice system into programs which provide the juvenile and the community with the optimum level of intervention and service.[18]

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[14] Task Force Report, p. 2.

[15] 42 U.S.C. §5601 et seq. (1970).

[16] 42 U.S.C. §5602(b) (1970).

[17] National Advisory Commission on Criminal Justice Standards and Goals, Task Force on Police (Washington, D.C.: Government Printing Office, 1973), p. 80, Standard 4.3: Diversion.

[18] Michigan Advisory Commission on Criminal Justice, Criminal Justice Goals and Standards for the State of Michigan (Lansing, Michigan:

> Sub-Goal: Every law enforcement agency should divert from the criminal and juvenile justice system those youths for whom other resources would be more effective.[19]

The Department of State Police, in compliance with the stated Goals and Standards of the state, incorporated juvenile diversion into the official operating policy of the Department effective April, 1975. The Community Services Section of the Operations Division was responsible for developing and continual updating of all juvenile policy including diversion policy for juvenile apprehensions.

In the process of administering the diversion policy of the State Police and while participating in numerous statewide juvenile justice planning efforts, it became increasingly apparent that the diversion effort was unorganized, unsophisticated, and in need of evaluation. Evidence existed that there was a need for diversion as an alternative to juvenile justice processing, but that the practice was inconsistent and in need of sound grounding in unified policy based on research into the concept.

Because preliminary indications were that police-juvenile diversion, in practice on a state-wide basis, amounted to little more than police discretion, the Community Services Section proposed that the concept be evaluated and proposals for programs be advanced. A federal grant was submitted to, and approved by, the Office of Criminal Justice Programs for an in-depth study of the concept of police-juvenile diversion in the state of Michigan.

OBJECTIVES OF THE STUDY

Because of the infantile nature of formal police-juvenile diversion, it was necessary for the project staff to start the process of review at a very elementary stage. It was essential to determine the "state of the art" of diversion in the state, assess the concept of diversion, determine the needs and desires for diversion by police agencies in the state, and develop appropriate policy to meet those needs. In order to accomplish the objectives of the grant, the following elements had to be addressed:

Office of Criminal Justice Programs, 1975), p. 32. The Goals and Standards addressing juvenile diversion were updated effective September, 1977, and are included in this publication as Appendix A.

[19] Ibid.

- Definition of Diversion. Although diversion was advocated, the term was undefined. It became the initial objective of the project to define the term of diversion as it relates to police-juvenile diversion.

- A Literature Review. In order to advocate the diverting of this state's youthful offenders, it was necessary to review the literature for evaluative research and scholarly insight into the process. Such a review was thought to be necessary to facilitate the development of sound foundation on which to build diversion policy and procedures.

- Evaluation of State Police Diversion Policy. The State Police began diverting youthful offenders in 1975. After almost two years of operation, it was felt that the policy had to be evaluated to determine its weaknesses and strengths, and based on that evaluation, modifications were to be developed to improve the State Police diversion policy.

- Assessment of State-wide Police Agency Diversion Efforts and Needs. In order to properly proceed in developing diversion policy suitable for police use throughout the state of Michigan, it was thought to be necessary to survey all agencies on their use and desire for juvenile diversion policy. Also, it was felt that on-site assessments of operational programs were needed to evaluate their success.

- Out-of-State Diversion Program Evaluation. In order to advocate diversion policy for police on a state-wide basis, it was felt that the research would be of higher quality if the project staff had benefit of on-site evaluations of model police-juvenile diversion throughout the nation. It was felt that many states were ahead of Michigan and that such an evaluation would put the Michigan effort on par with the finest programs in the country.

- State-wide Resource Center. Because of the diversity of police agencies in the state, both in size and client population, it was decided that the diversion project's efforts should be available as a resource center for police and juvenile justice system use. The effort associated with the above objectives would lose considerable value without the resource capacity.

- Diversion Issue Identification. The identification of issues surrounding diversion was felt to be critical to the success of diversion. For this reason, it was decided an in-depth examination should be made into such areas as: the legality of diversion and related due process rights of youths, record-keeping and prevention of record abuses, diversion criteria and the need for guidelines, the relationship of police with other components of the juvenile justice system as it relates to diversion, and possible diversion program designs for police departments.

SUMMARY OF FINDINGS

The above elements were addressed, and it was quickly found that some of the expectations and objectives were unrealistic. For example, it was found early in the study that it would be impossible to design and advocate one "model" police diversion program. After almost one year of intensive effort, the below findings resulted. These findings, though not exhaustive of the study's efforts, are elaborated on in considerable detail throughout this manual. It also should be stated that this manual is but a summary of the evidence and experience available on diversion.

This manual is the product of an effort to synthesize the literature and practical experiences in diversion. It is also intended to be a guide, in easy-to-use form, for the police executive and juvenile officer who desire to implement a juvenile diversion program for their departments. This manual will provide operational guidelines and procedural methods for establishing diversion. It will also discuss crucial issues in diversion in sufficient detail to familiarize practitioners with problems and issues they are likely to encounter.

The findings:

- Diversion Defined. It was soon apparent that in order to proceed with juvenile diversion on a state-wide basis, a definition of diversion acceptable to all components of the juvenile justice system would have to be formulated. Such a definition was arrived at through the efforts of the Juvenile Justice Subcommittee for Juvenile Justice Goals and Standards of the Michigan Advisory Commission on Criminal Justice. The definition, which is found in Section 2, is specific and is critical to unifying the juvenile justice diversion activities of agencies in the state. It has been explained in this manual in terms specific to police-juvenile diversion. The definition is integral with the diversion issues addressed in Section 4.

- Literature Review. A review of the relevant literature was undertaken by the project staff and forms the intellectual grounding for this manual. It was found that generally there is a paucity of literature on juvenile diversion, and even less empirical research has been conducted on the subject.

- Michigan State Police Diversion Policy Evaluation. The evaluation of the Michigan State Police diversion policy focused on an examination of the diversion-apprehension records at each of the 63 posts. The evaluation also included an analysis of the Department's April 1975 diversion policy. The diversion records' search revealed that the State Police were diverting state-wide at a rate of 44 percent of all juvenile apprehensions. It was also found that officers in the field had little understanding of the concept of diversion, and, as such, diversion, with few exceptions, was operationalized to amount to release of the offender to his/her parents. This lack of understanding underscored a need for adequate training when implementing a policy of diversion to insure that it is carried out properly and to the mutual benefit of the police, the community, and the youth. The diversion policy was rewritten, clarified, and sophisticated to incorporate the findings of the entire first year's staff work and the revised Goals and Standards for Juvenile Diversion (included as Appendix A). The revised juvenile policy is included in this report as Appendix C, Michigan State Police Youth Policy and Procedure, Official Order No. 31.

- Assessment of State-wide Police Agency Diversion Efforts and Needs. As a first step in a needs assessment, a "Police Diversion Questionnaire" was mailed out to 555 police agencies in the state, and 343 (62%) were returned. Of those replying, 319 (93%) indicated that they practice diversion; however, only 40 (12%) indicated that diversion was incorporated in written policy. The responding agencies did indicate a desire for written diversion policy (263 or 77%) and even more agencies requested training in diversion (291 or 85%). An attempt to locate operating diversion programs uncovered only six such programs operating in the state. The questionnaire is found in Appendix E, and the programs are described in Appendix H.

- Out-of-State Diversion Program Evaluation. In an effort to incorporate the best attributes of police-juvenile diversion programs in operation nationwide, seven such sites were identified. The sites were visited by project personnel in order that the program could be viewed in operation and so that key personnel could be interviewed. The sites ranged in size and resources from the Dallas, Texas, Police Department's Youth Services Program down to a one-officer program in Newark, Delaware. A highly sophisticated court diversion program was also evaluated in Essex County (Windsor), Ontario. It was found that it was people who care about children who were the backbone of the diversion programs. The sites visited, along with program descriptions, are listed in Appendix H.

- State-wide Resource Center. The concept of police-juvenile diversion is complex both conceptually and operationally. Because of the nature of the problem, the Michigan State Police, Juvenile Unit, has been designated a police-juvenile diversion "resource center." As such, the center is available for technical assistance (TA) to diversion programs either with start-up needs or with any type of consultation need. This TA is available either directly from the Juvenile Unit or through the Office of Criminal Justice Programs. The resources of the Unit include literature, forms, program material, and consultation services.

- Diversion Issues Which Were Identified. The project staff studied and grappled with many issues which were identified as crucial to the success of diversion programs. These issues are enumerated throughout the text of this manual, and, as such, are key ingredients to taking a police diversion program beyond the good intentions of a few dedicated individuals who are running pilot programs. The specific issues addressed are identified on pages 5 and 6. It is imperative for program personnel to have a firm grasp of these issues to insure that the diverted youthful offenders are treated in an equitable manner and that their due process rights are protected. It is also important that the needs of the youths and the community are met and that this is done in harmony with other components of the juvenile justice system and community-based agencies.

The following section begins by putting diversion into historical perspective and then goes on to define diversion.

Section 2

DIVERSION

This section will attempt to lay the groundwork and rationale for the use of diversion by the police. It must be remembered that this manual focuses on diversion from the police point of view. However, it is necessary to examine the diversion concept from a juvenile justice system frame of reference in order that the concept and practice be put into its proper perspective. What the police do affects the rest of the criminal justice system; therefore, the police must remain cognizant of the rest of the system when attempting a change such as is advocated by this manual.

This section will look first at diversion from a historical point of view so that the concept will be viewed as having roots in the operating procedures of the police throughout history. Next, the concept of juvenile diversion will be carefully defined in order to facilitate a complete understanding of the term and the process for all components of the criminal justice system. The definition will then be narrowed to police-juvenile diversion for purposes of this manual, in order that anyone who is interested in any aspect of police-juvenile diversion will have an accurate understanding of what the concept means. Finally, the rationale for diversion will be outlined and discussed in some detail so that anyone interested in advocating diversion or in setting up a diversion program will feel comfortable with their undertaking. Also, several problems one is likely to encounter with diversion will be discussed and dealt with.

HISTORY OF DIVERSION

The concept of juvenile delinquency is not new. The first definition was formulated and the first juvenile court was established in Illinois in 1899. The failure of children to live up to adult standards is age-old. The oldest known code of laws, the Code of Hammurabi (dating to 2270 B.C.), included many types of misconduct, including those of youths. Old English laws provided punishment for offenses committed by children. Under the laws of King Aethelstan, about 924-939 A.D., any thief over twelve years of age was punished by death for the theft of anything valued at over twelve pence. The problem of delinquency is still with us today. In the

United States each year, over 1,800,000 arrests of persons under eighteen are made, and 1,125,000 juveniles appear before the juvenile court.[1]

Almost every one of these juveniles who appears before the juvenile court was involved first with the police. Of all the children picked up by the police, only one-half are referred to the juvenile court, the other half are handled informally. In addition, the police decide whom they will handle, and how. The police also have many informal contacts with children on the streets and other places where children gather. The police not only exercise general supervision over children in maintaining order and protecting them from harm, but also exercise an extraordinary degree of authority in the juvenile realm quite independently of the juvenile court.

Thus, since police were first organized, they have been exercising a screening function in deciding which offenders will be handled formally and which will be handled informally. In this very rudimentary sense, the police have been diverting offenders from the system since time when. Historically, this screening function of the police has been called discretion. Discretion is the freedom or authority to decide, in this case, whether a juvenile will be arrested, and if so, whether he will be petitioned to the juvenile court. The discretion of the police is basically a private, well-guarded power which is jealously protected by the police.

Police discretion is recognized by both the police and those outside of the police ranks as an extremely important function. The law is an all-encompassing, nonpersonal set of rules. It is through the use of discretion that the police officer applies the law to specific situations involving specific persons. However, the exercise of discretion is also personal to the officer making the decision. It is the personal nature of the decision that alarms many police administrators and critics of the police.

The activities of the police are invisible in the sense that the average police officer is assigned to the field and spends his day largely outside the observation of his supervisors. He also conducts his activities without accountability to the public for many of the decisions he is routinely asked to make. Those decisions are influenced by his cultural background and the attitudes of his co-workers and supervisory personnel. It is then hoped that the officer exercises "good" judgment in making decisions about who will or will not be handled formally by the criminal justice system.[2]

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[1] Ruth Shoule Cavan and Theodore N. Ferdinand, Juvenile Delinquency (Philadelphia, Pa.: J. B. Lippincott Co., 1975), pp. 2-6.

However, it is the value of discretion in combination with many other factors that has led many noted authorities to advocate the formalizing of discretion into the process of diversion. Diversion offers many advantages over its predecessor, discretion, yet does not entirely replace it. For the sake of this discussion, diversion is the removal of the offender from the justice system. Diversion, then, is the formalizing of the removal process once an offender is in the system. It is this formalizing of discretion that offers an appealing aspect to the historical practice of discretion.

The formalizing of discretion through the use of written police policy and the use of criteria in the decision-making process incorporates the advantages of discretion with appropriate control over the "invisible" questionable aspects associated with discretion. This line of thought in no way advocates the abolition of all discretion. Discretion continues to retain its virtues in many field decisions made about whether to bring an offender into the formal justice system. It is because of the historical worth of the police officer's use of discretion that the diversion of youths from the juvenile justice system is now advocated, whenever possible, by the National Advisory Commission on Criminal Justice Standards and Goals and the Michigan Advisory Commission on Criminal Justice.

DEFINITION OF POLICE-JUVENILE DIVERSION

It seems almost elementary to define a term such as diversion which is so commonly used by the public and is a watchword in criminal justice. However, there are as many definitions of the word as there are people to define it. Webster's Third New International Dictionary defines diversion as, among other things, the turning of one's mind to pleasure or amusement. The research conducted by the program staff uncovered at least ten definitions of diversion directly related to criminal justice. The French term for diversion is *La déjudiciarisation* which is almost impossible to pronounce, but literally translated means "the anullment of a judgment." Needless to say, before work could proceed, it was necessary to define the term in a criminal justice context such that it would be acceptable to all components of the juvenile justice system in Michigan.

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[2] For a more specific discussion of the attributes and hazards of police discretion see generally: Kenneth Culp Davis, Police Discretion (St. Paul, Minn.: West Publishing Co., 1975); Herman Goldstein, "Administrative Problems in Controlling the Exercise of Police Authority," The Journal of Criminal Law, Criminology and Police Science, LVIII (1967), 160-172; Goldstein, "Police Discretion: The Ideal Versus the Real," in The Ambivalent Force: Perspectives on the Police, ed. Arthur Niederhoffer and Abraham S. Blumberg (San Francisco: Rinehart Press, 1973); Goldstein, "Police Policy Formulation: A Proposal for Improving Police Performance," in The Ambivalent Force: Perspectives on the Police, ed. Arthur Niederhoffer and Abraham S. Blumberg (San Francisco: Rinehart Press, 1973); Joseph Goldstein, "Police Discretion Not to Invoke the Criminal Process: Low-Visibility Decisions in the Administration of Justice." Yale Law Review, LXIX (1960), 543-594; James Q. Wilson, Varieties of Police Behavior: The Management of Law and Order in Eight Communities. (Cambridge, Mass.: Harvard University Press, 1968).

This task was given to the juvenile diversion subcommittee of the Michigan Advisory Commission on Criminal Justice. The work involved considerable time and honing in order to develop a definition that would withstand the test of time and also be operational for the police, prosecutor, and courts. The following definition resulted from the committee's work:

Definition

DIVERSION CAN TAKE PLACE AT ANY POINT BETWEEN A FORMALLY RECORDED APPREHENSION AND THE FORMAL ACCEPTANCE OF A PETITION BY THE JUVENILE COURT, BUT NOT BEYOND THE POINT OF JUVENILE COURT INTAKE.

DIVERSION OCCURS WHEN, IN LIEU OF FURTHER JUVENILE JUSTICE PROCESSING, ONE OF THE FOLLOWING ALTERNATIVES OCCURS:

1. THE YOUTH IS RELEASED INTO THE CUSTODY OF HIS/HER PARENTS OR GUARDIANS.
2. THE YOUTH VOLUNTEERS TO PARTICIPATE IN A PROGRAM DESIGNED TO MEET HIS/HER NEEDS.

Discussion of the Definition

There are two distinct aspects to the definition.

1. The first part of the definition describes where in the process a diversion can take place.
2. The second part describes what a diversion is and enumerates two alternative types of diversion.

The definition clearly states that a diversion can occur only between a formally recorded apprehension and the formal acceptance of the petition by the juvenile court. This means that a youth may not be diverted if he has not been formally apprehended. Here the concern is that youths who normally would fall outside the system and not be brought into the system could well find themselves in the system. One of the main attractions of diversion is the minimal amount of contact with the system that hopefully results through the use of diversion. It is feared that once police become acquainted with the helping aspects of diversion, they may want to bring in more youth to "help" them. Also, as diversion becomes more routine, police may find that they get "credit" for diversions much as they may for arrests. This whole concern is with "widening the net" and sweeping in more youths than otherwise would have been brought in. Therefore, the child must be formally apprehended or "booked" with a violation of the juvenile code or the state criminal code.

Also, but of less concern to the police, is the fact that the definition limits the point in the process beyond which a youth cannot be diverted. That point is defined as the formal acceptance of the petition by the juvenile court or not beyond the point of juvenile court intake. This is done to limit the degree of penetration of the juvenile justice system that a youth can experience and still be considered "divertible." This concern derives from the philosophical groundings of diversion which advocate the removal of the youth from the process to limit the amount of negative exposure associated with being processed through the juvenile court. The youth can be removed from the process after court intake, but under this definition, such removal is not diversion--it is dismissal, probation, alternative sentencing, or some such appropriate term. The definition is careful to limit diversion to those youths who are formally in the system and insures that diversion occurs between limited points in the process when diversion is most likely to have its most positive influence. There are those who feel that a child who is exposed to the justice system beyond a given point will not perceive any difference between release beyond that point and full adjudication. Therefore, it is imperative that the child be removed from the system at the earliest possible point when the maximum benefits will accrue.

The second part of the definition presents two alternative methods for the handling of youths who are diverted. The first option is to simply release the youth into the custody and control of the parents or guardian. Under this option, no activity is required of the youth, and the police involvement with the youth is ended, except for possible monitoring for recidivism. The police also relinquish all supervision over the youth and close the case to the possibility of prosecution. This option may be called "diversion to nothing" and is, in a sense, the most pure form of diversion in that the youth's involvement with the criminal justice system is reduced to a bare minimum. Diversion without referral may be extremely valuable for appropriate types of cases.

The value of diversion without referral lies in its use in cases where the youth does not need the supervision and punitive aspects of the court or the supervision and referral aspects of diversion with referral. The youth who comes into contact with the law by quirk or immaturity and has adequate supervision in the home is an ideal candidate for simple diversion. The youth who has committed multiple crimes, crimes motivated by behavioral problems, or the youth who lacks parental supervision, does not necessarily need to be referred to the juvenile court; however, he would be cheated of the help he needs if he is diverted without referral. When the child needs help or supervision and such help is not likely to be found in the home, the use of diversion without referral by the police is counterproductive.

The second diversion option is the diversion of the youth to a referral program designed to meet the needs of the youth. This second option involves the police more in helping directly to solve the youth crime problems of the community. It is more time-consuming, yet it is potentially an extremely rewarding activity for the police. One of the key aspects of this option is the fact that the program must be designed to meet the needs of the youth. It is of little value to refer the youth to a program or activity which fails to meet his needs. Such referral is not likely to treat the cause of the problem and is likely to cause the youth to be cynical about the sincerity of the police interest in helping him. A discussion of the use of referral programs is in Section 5.

An extremely important aspect to the diversion definition is that diversion is voluntary. If the youth is asked to participate in diversion in any manner beyond simple release, the participation must be voluntary. Since the definition defines diversion as occurring before adjudication, there has been no finding of guilt. Without a finding of guilt, it is not legal to ask the youth to do any activity without a waiver of his right to an adjudicative hearing. The waiver must be a knowledgeable and voluntary waiver of his right to trial and must also involve the parents or guardian. Such a waiver is constitutionally supported as long as it is not the result of duress or coercion, express or implied.[3] The diversion decision process must also protect all of the due process rights of the youthful offender.

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[3] The legality of diversion has not been expressly addressed in the case law; however, the voluntary waiver of one's constitutional rights is addressed in Schneckloth vs. Bustamonte, 412 U.S. 218, which specifically dealt with a fourth amendment issue.

The application of the diversion definition to the police revolves principally around which youths should be brought into the diversion process. A rule of thumb is that no youth should be brought into the program who ordinarily would not be brought into the process if there were no diversion program. Diversion is appropriate only if there is a substantial likelihood that a conviction can be obtained. Police agencies should be careful to insure that diversion does not become a dumping ground for "weak" cases. When a case against a youth has not been sufficiently established, for whatever reason, the youth should be released without prosecution or diversion.

The police are likely to find that they can "help" youths through the diversion process and should not eliminate the use of "curbside adjustments" for youths. The use of such discretion continues to retain its value even with a diversion program. Diverted youths should be drawn only from the ranks of those youths who are formally apprehended and for whom a formal record of the apprehension is made. One of the primary concerns with police diversion is that more youths will end up with arrest records. Such a concern is legitimate and should be addressed through the written policy of police agencies.

The police use of diversion, by definition, is in lieu of further juvenile processing. This means that prosecution will be dropped Once a decision is made to use diversion, the avenue of prosecution should be closed; any threat of prosecution is a form of probation and is without support of the law. A discussion of the legal issues surrounding diversion by the police in Michigan can be found in Section 4.

RATIONALE FOR DIVERSION

There are many reasons why the police would want to become involved in the use of diversion as an alternative to the prosecution of juvenile offenders. Many directly affect the police, while all involve the rest of the system. When the juvenile court was created, it was felt that the needs of delinquent juveniles differed substantially from those of adult offenders. For their rehabilitation and reintegration, juveniles do, indeed, require services of a different nature than those of adults. However, the juvenile court has shown that it is incapable of providing many of the types of rehabilitative services for which it was created.

Section 1 of this manual details the push toward the diversion of juvenile offenders from the juvenile justice system, but saying to do it doesn't mean that it will be done or that the police will want to use diversion at a more sophisticated level than discretion. However, there are many valid reasons for diversion, and if the police are exposed to these reasons--or arguments for diversion--the process is likely to become more attractive. Listed below are several such supporting rationales for diversion:

- Provide Needed Services. Probably the most appealing aspect to juvenile diversion for the police is the fact that it allows the provision of needed services to children who are in need of such services. Police uncover many frustrating situations in the routine investigation of complaints involving juveniles and process many children on criminal cases where the officer perceives a need on the part of the child for help in coping with his environment. In most cases, short of individual involvement, the officer is left with no alternative but to turn the child over to the probate court for prosecution. However, when diversion is used by the police, a new avenue of service delivery (as an alternative to the criminal prosecution) is available to the officer to deal with the juvenile offender. The officer can determine the child's need and refer that child directly to a service-providing agency which will address his needs rather than the offense which was committed.

- Police Control Over Dispositions. Also an appealing aspect of juvenile diversion is the fact that it gives to the police additional control over juvenile dispositions. Over the years, police have become very cynical about the fact that after investigating a case and turning it over to the prosecutor, they find that the offender was released or put on probation without ever going to court. Even in those cases where the offender goes to court, more often than not, the disposition is probation. The use of diversion allows the police to investigate a case, and when a decision is made to divert the offender, to gain control over the disposition. Although the use of diversion is not punitive, it does allow the police the control sufficient to insure that the offender is provided a meaningful response in the form of a disposition.

- Immediacy of Response. An advantage of diversion, which accrues primarily to the youthful offender, is the fact that it results in an immediate response on the part of the criminal justice system. When a youth is petitioned to the juvenile court, the case waits its turn in an often long and drawn out process. After the youth is released by the police, he may wait weeks for a notice to appear at the juvenile court for an interview with the intake worker or for a preliminary hearing. Unless the case is disposed of informally at that stage, the child waits again before the case is tried. By the time the case is heard and a disposition is arrived at, the child is likely to see little relationship between the offense he committed and the disposition of the case. With diversion, an interview between the youth and his parents and the police should be held within a week of the apprehension; if referral is used, the youth should be receiving help from the referral agency within a period of two to three weeks.

- Lower Cost. The juvenile justice system is expensive. There are armies of bureaucrats involved in the operation and support of the prosecutor, courts, and correctional components of the system. If the youthful offender can be kept out of the system, when appropriate, the saving can be substantial. The police involvement with the juvenile justice system is obvious, in that the police are the ones who officially identify the child as an offender. However, if the child can be removed at that point, the cost is initially lower, and some would say the chance of the child repeating is less, therefore resulting in a secondary cost savings. Also, diversion keeps out those children for whom the process is not appropriate, thereby saving money. Attempts at reducing the cost savings to dollar figures are frustrated by the complexity of the multitude of options within the official process and by the options available as diversion alternatives.

- Avoidance of Stigma or Labeling. Some theorists advance the argument that the processing of a child through the juvenile justice system labels him as a "delinquent" and that he is then forced to carry this stigma with him in his everyday activities. Such labeling is said to lead to a stigmatization of the youth whereby the community perceives him as a delinquent and/or he has a self-perception as a delinquent. Such a stigma may become a self-fulfilling prophecy in the sense that the youth finds himself in a cycle of delinquent behavior, as a result of his having been labeled a delinquent.[4]

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[4] Edwin M. Lemert, "The Concept of Secondary Deviation," in Human Deviance, Social Problems, and Social Control, ed. Edwin M. Lemert (2nd ed.; Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1972), pp. 62-92. See also, John L. Hagan, "The Labeling Perspective, the Delinquent, and

The use of diversion results in the removal of the youth before the attachment of the delinquent label. The earlier the removal, the less negative impact the child is likely to experience.

- More Appropriate Response. The juvenile justice system is a large, overwhelming process composed of the police, prosecutor, courts, and corrections. Some have said that to engage the system to process many of the juvenile cases presently being sent to court is like using a baseball bat to kill a gnat. The processing of a case through the juvenile court involves multiple visits on the part of the accused child with an associated thorough exposure to the bureaucratic proceedings. In this process, the child is likely to lose sight of the reason for his being there, and he is also likely to be exposed to the case-hardened attitudes of the people involved and other youthful offenders who may be more mature criminally than he is. It is felt that diversion of the youth at the earliest possible point--but yet with provision of needed services--increases the likelihood of the child not being negatively impacted by the court process. This is not to suggest that there are not cases for which the court is an appropriate vehicle. In fact, as a corollary to this argument, the diversion of lesser offenses from the court will allow the court to focus its attention on those cases which need the full weight of the court and for which the court is most appropriate.

- Community Involvement. Diversion is a local phenomenon, and, as such, the design of the diversion program can, and should, interface with the character of the community. If the diversion program and referral process is set up to function as is recommended in this manual, it will involve representatives from the community and not just criminal justice personnel. This is done to insure that

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the Police: A Review of the Literature," The Canadian Journal of Criminology and Corrections, XIV (1972), pp. 150-165; Jack Donald Foster, Simon Dinitz, and Walter C. Reckless, "Perceptions of Stigma Following Public Intervention for Delinquent Behavior," in Back on the Street: The Diversion of Juvenile Offenders, eds. Robert M. Carter and Malcolm W. Klein (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1976), pp. 159-166; and Howard L. Nadler and Daniel McCarthy, "A Descriptive Study of the Attitude of Police Officers About the Essex County Diversion Program" (unpublished research study, Windsor, Ontario: University of Windsor, School of Social Work, 1977). This research work indicated that police officers did not perceive young persons in the program as being labeled "delinquent."

diverted youths are handled in a manner which the community supports and for which the community has adequate resources to service. It also forces the community to recognize its delinquency problem and to deal with it. For too long, people have ignored crime, particularly juvenile crime, on the assumption that the criminal justice system could handle that which they did not want to confront. By involving the community in the juvenile diversion process, it is likely to be found that attention should be focused on the adequacy of the schools, social service agencies, and parents in their approach to the local juvenile problem. Diversion programs can also reflect the character of the community whether it be rural, suburban, or urban instead of a state mandated and uniform process.

- Formalized Police Discretion. An advantage to police-juvenile diversion is that it brings the largely informal handling of juveniles out of the shadows and formalizes the process. If the diversion process is handled properly, the criteria for the selection of diversion candidates will be drawn up by a community-based board and incorporated into the written policy of the police department. Such a procedure will insure that the selection process is equitable and based on more than the individual intuitive feelings of one officer. This is not to suggest that an officer's feelings and insight are not valuable, but to so limit the input into the decision process is to invite personal prejudice to affect a decision which is likely to have important consequences on the life of the child.

HAZARDS TO WATCH FOR ON THE ROAD TO DIVERSION

Before setting up a police-juvenile diversion program, the prospective practitioner should be advised of several issues which are likely to confront him. These problems should be confronted early in the game to insure that they do not affect the quality of the diversion program. If the procedures discussed in this section and in the remainder of the manual are followed, the hazards which will be discussed here are not likely to present any great problems. In fact, a thorough knowledge of these issues will strengthen the diversion program and insure that the children in the program receive equitable and fair treatment.

- No Legislative Base for Diversion. This is not the problem it may appear to be at first glance. There is also no legislative base for discretion, yet it is essential to police operations and occurs continuously. Diversion is a form of discretion, but it is a level above discretion and is more formal. It is for this reason that extra precautions must be taken to insure that the due process rights of the juvenile offender are protected through every stage of processing, and that the police are protected from civil actions by participants in the diversion program. Once the decision is made to divert, the youth and his parents must be asked to waive the right to trial if the diversion is to involve anything more than simple release. This is also the reason that diversion must be totally voluntary with no threat of prosecution at any point in the process.

Procedures which incorporate these safeguards are found throughout this manual, particularly in Sections 3 and 4. At the time of the writing of this publication, legislation has been introduced which will provide in the juvenile code for the diversion (by the police) of juveniles from the juvenile justice system. If the legislation is passed in its present form, it will be fairly prescriptive and will mandate many of the provisions which appear in this manual.[5]

- The Youth's Rights May Be Abridged. As part of the previous concern is the protection of the due process rights of the youths who participate in the diversion process. It is essential that the investigative process be separated from the diversion process to insure that the youth's rights are protected. The investigation should be completed before a decision is made on diverting a youth. Also, any facts uncovered from counseling interviews with a child must not be used against him in any court action. Two particular problems should be guarded against. First, police officers may use the promise of diversion to persuade a youth to make an admission of guilt in return for admission to the diversion program. Second, youths may be diverted without all of the elements of the crime established through a thorough investigation. This gives the youth a record without the assurance that a case has been established sufficient to prove guilt.

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[5] H.B. 4376, Michigan Legislature (March 21, 1977), pp. 34-37.

- Diversion Without Help for the Child. With a concerted effort to encourage the use of diversion, the police may divert youths who are in need of referral or court prosecution. Diversion without referral (follow-up) is suitable for only a limited number of offenders. The criminal act often indicates that the child is asking for help or guidance. To divert such a child is to cheat him of the help he needs and to postpone the ultimate confrontation with the problem. When the child does commit the next offense, it is likely to be more serious. Care should be taken to insure that an investigation of the child's background is conducted which is sufficient to determine his needs and that once determined, that they are met.

- Diversion May "Widen the Net." "Widen the net" is the expression for bringing in more children than would otherwise have been formally booked by the police. As mentioned earlier in this document, the police may find that by using the diversion disposition, they may be able to "help" many of the children they previously did not know what to do with. Widening the net should carefully be guarded against to safeguard against needlessly giving many children police records. If the child would not have been formally apprehended without diversion, he should not be given a record after the police have diversion.

- Diversion May Become a Bureaucratic Process. Care should be taken to insure that the welfare of the child and the community is held in higher regard than the process of diversion. As naive as that may sound, that is one of the principal criticisms of the juvenile court. This manual advocates that diversion be incorporated into written police department procedures and that specific steps be followed when using diversion. This is not to imply that these procedures are of more importance than the child who is being processed. If the police procedure is not in the best interest of the child, it should be reevaluated to determine if a better alternative should be devised.

- The Community May Be More Vindictive Than the Court. Because the offense, in many cases, was perpetrated against the community where the offender is to participate in the diversion program, the sentence may be more severe than that which would have been imposed by the juvenile court. The court process is impersonal and bureaucratic in its handling of

> any particular case on a docket of many cases. The court was not the victim of the offense; however, the community may have been. Care should be taken to insure that the operation of the diversion process is even-handed and that dispositions are just. This type of concern is likely to dissipate with time as the number of cases builds and the novelty of individual cases blends into proper perspective.

This concludes the discussion of the concept of diversion including its historical base, definition, rationale, and hazards. With this foundation in mind, the next section will examine the diversion process with an eye as to how it fits into the police operation.

Section 3

THE POLICE-JUVENILE DIVERSION PROCESS

The rationale for diversion, as found in the previous section, evolved fundamentally from the realities of the juvenile justice process as a system. It is necessary to think in terms of the processing of juveniles as a systems process in order to grasp the totality of the problems with the process and possible solutions to those problems. As long as law enforcement or the courts think of themselves as separate entities, it is not possible to come to grips with the problems confronting the handling of juveniles or to develop adequate solutions.

The activity of the police in apprehending and petitioning youths into the probate court affects the response of the court to those petitioned children. In turn, the manner in which the court reacts to the petitioned children affects the way the police regard the court and their future petitioning decisions. Thus, the system functions as a totality and the actions and responses of a component are, in part, determined by stimuli from other components in the system. Unfortunately, the reality of the day-to-day operation of the system indicates that many of the decisions which affect more than one component of the system are made without considering all of the implications of those decisions.

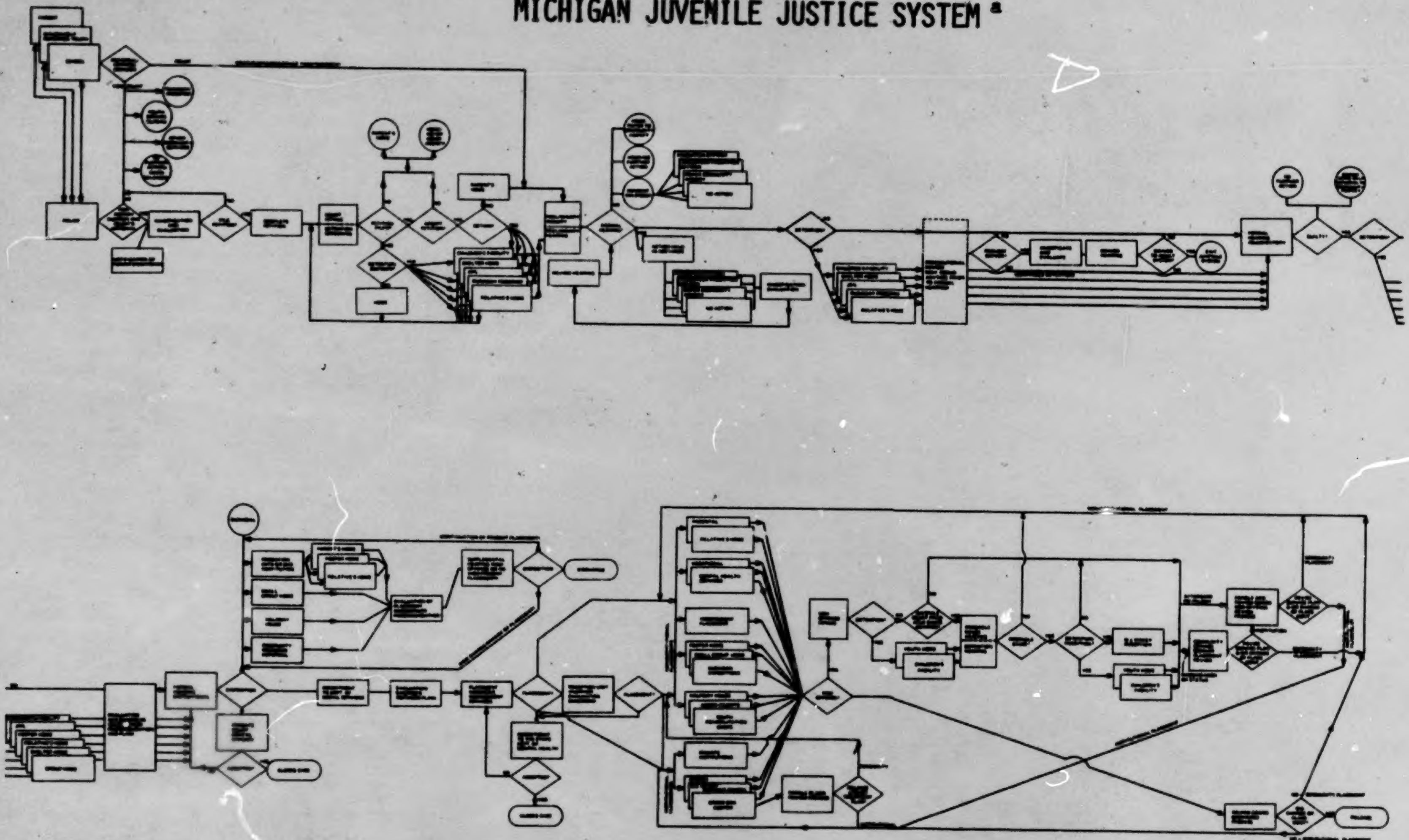
DESCRIPTION OF THE PROCESS

The diversion concept is integrally tied to the mechanics of the process by which offenders are handled. A pictorial description of that process for Michigan can be found in Figure 1, page 24. The figure shows that the flow is so complex that the chart is extremely difficult to read. For purposes of this manual, it is not necessary to know all of the alternatives which exist in the process, but to simply appreciate the fact that the process is very complex and that each stage of the process is tied to the next stage.

The handling of juveniles by the police is probably the most straightforward part of the juvenile justice process in the sense that there are few options and paths in the process. The police process is found in Figure 2, page 25. This diagram shows that the flow is primarily toward the

Figure 1

MICHIGAN JUVENILE JUSTICE SYSTEM[a]



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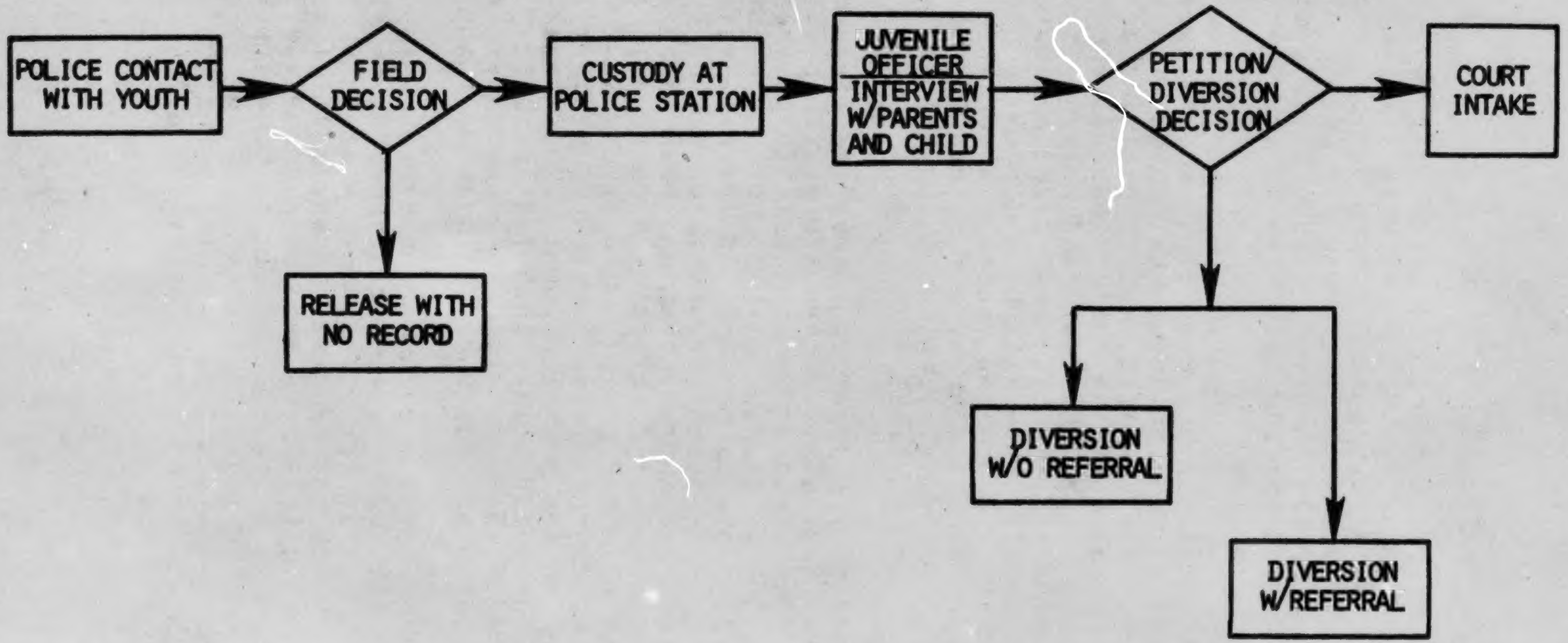
[a] Office of Criminal Justice Programs, 1978 Michigan Comprehensive Law Enforcement and Criminal Justice Plan: Analysis and Development Edition (Lansing, Mich.: Office of Criminal Justice Programs, 1977), p. R-118.

Figure 2

POLICE-JUVENILE DISPOSITIONAL PROCESS


POLICE CONTACT WITH YOUTH
FIELD DECISION
RELEASE WITH NO RECORD
CUSTODY AT POLICE STATION
JUVENILE OFFICER
INTERVIEW W/PARENTS AND CHILD
PETITION/ DIVERSION DECISION
COURT INTAKE
DIVERSION W/O REFERRAL
DIVERSION W/REFERRAL

court, but that at basically two points the child may be removed from the flow.

Field Contact with the Juvenile

The first contact the police officer has with the juvenile is in the field. This contact is generated either through a complaint reported to the police or by police observing suspect activity. When the police officer encounters a juvenile involved in suspicious activity, he must investigate to determine the facts in the case and decide on his course of action.

When the officer determines who was involved in what, he must make a decision about what to do with the juvenile in question. The most frequent disposition at this stage is to "warn and release" the child. Depending on the seriousness of the offense, the "warn and release" may or may not involve taking the youth to his parent or guardian. Such a release is usually made without a formal record of apprehension (arrest or booking record). When this field option of release is used and an arrest record is not made, the officer has used discretion in making his decision not to formally process the child.

Some police departments may use field contact cards or log sheet entries to record the police activity with the juvenile. Such records are not formal apprehension records, and, as such, the release of the youth does not constitute a diversion. This is because, by the definition of diversion used in this manual, a diversion may occur only after a formally recorded apprehension has been made (see Section 2). This is an important distinction because all police departments ought to avoid giving children arrest records in instances where the officer would not ordinarily desire that the case go to the juvenile court. This hazard, called "widening the net," brings into the juvenile justice system those children who ordinarily would not have been brought into the system and for whom the system is not appropriate.

If a formal record of the apprehension is made in the field, the youth is then eligible for diversion consideration. It is the point of view of this manual that the youth should not be diverted while still in the field. What may look like a good candidate for diversion while on the street may, in fact, turn out to be a repeat offender. The youth may be released into the custody of his parents or guardian while still in the field, but the diversion decision should be made only after the criteria have been applied to the case.

Station House Processing

If the youth is taken into custody and transported to the station house for processing, a formal apprehension record must be made. Any juvenile who is held in custody and formally booked is technically a potential candidate for diversion. However, most police departments will want to automatically eliminate some juveniles from consideration because of the seriousness of the offenses which they committed. It is also recommended that no diversions be made by the investigating officer without the thorough application of the diversion criteria.

The youth may be released into the custody of his parents or guardian without the decision having been made as to whether the case is to be diverted or prosecuted. The diversion decision should be made: (1) after the investigation of the offense is completed, and (2) after the diversion criteria have been applied by an individual who has responsibility for juvenile matters. In a large department, this responsibility would naturally fall to the juvenile unit; in a small department, the responsibility should be assigned by the chief to one individual. This assignment of responsibility insures that the diversion workup is complete and that the criteria are applied equitably.

The police department may want to have initial screening guidelines to eliminate obvious cases from diversion consideration. For example, felonies against persons and repeat or serious felonies against property may be referred to the juvenile court as part of policy. Likewise, status offenses may automatically be screened off for diversion as a part of policy. This leaves only a broad middle ground for diversion workup and substantially cuts the workload of the responsible person doing the diversion criteria application.

Diversion Officer's Responsibility

For lack of a better name, the individual assigned to apply the diversion criteria will be called the "diversion officer." This position can be filled by a civilian, as well as by a sworn employee. In a small department, this position may be one of many assignments for the diversion officer.

Application of the criteria should result in a decision as to whether the child should be diverted. It should also result in a decision as to whether to use simple diversion (without referral) or diversion with referral. These decisions should be made by the diversion officer before the child and his parents are brought in for a conference. This is to insure that no bargaining takes place in the conference with the parents and the child. The step-by-step procedures for the diversion conference are outlined in the topical area following the diversion criteria.

DIVERSION CRITERIA

The diversion criteria which follow are lifted essentially from the revised Criminal Justice Goals and Standards for the State of Michigan. They are included here because they are the work of a diverse group of people representing components of the juvenile justice system, as well as youth-serving agencies. The criteria also are grounded in the literature on the handling of delinquency cases.

The criteria, which offer general guidelines for the practitioner relative to the case and the offender, should be examined and made specific for any agency which uses them before a determination is made to divert the child. It is not the intention, for example, that the police do a complete case study of each child, much like a social worker would be expected to do. However, the criteria should be carefully studied and used to guide the writing of the specific criteria for any agency which wishes to use diversion. Obviously, those agencies with full-time juvenile staff are going to be able to do a more thorough case review than the diversion officer who has diversion as but one of his responsibilities.

Criteria

1. NATURE OF THE OFFENSE

   Agency criteria should address the following aspects surrounding the offense:

   a. The seriousness of the offense;

   b. The degree of bodily harm inflicted by the offender on himself or others;

   c. The degree of criminal sophistication utilized in the commission of the crime, such as the use of burglary tools, premeditation, and the use of a weapon or strongarm tactics;

   d. Time of day. If the delinquent act occurred at a time of day when the youth would normally be at home, this may indicate poor supervision and a lack of parental responsibility;

   e. The desire of the victim/complainant to prosecute.

2. AGE OF THE OFFENDER

Intellectual and emotional maturity do not progress hand-in-hand with chronological age, and, therefore, some youth of 16 might be very immature, while others at 14 or 15 would show much greater maturity. Among the very young, the offense may be an impulsive act without great significance, or it may be a danger signal and a "cry for help." Although the age of the offender plays an important part in any decision to divert, age alone should not be the sole criterion for such a decision.

3. NATURE OF THE PROBLEM WHICH LED TO THE OFFENSE

In many cases, the commission of the offense is motivated by emotional, psychological, physical, or educational problems. Such knowledge of the juvenile's need for professional assistance with social/personal problems should be a deciding factor in the decision to divert.

4. A HISTORY OF CONTACTS OR THE USE OF PHYSICAL VIOLENCE

A review should be made to determine the contacts a youth may have had with official agencies of the juvenile justice system. The review should determine if the youth is a recidivist, if previous efforts to rehabilitate the child nonjudicially have failed, or if the child has a history of the use of physical violence in the offenses committed.

5. CHARACTER OF THE OFFENDER AND HISTORY OF BEHAVIOR IN SCHOOL, FAMILY, AND PEER GROUP SETTINGS

A review of the character of the youthful offender should be conducted and should include such factors as: the youth's school performance; family characteristics, such as parental harmony and sibling relationships; physical characteristics, such as mental or physical illness or disabilities; maturity of the youth; the youth's relationships with peers, including gang membership; responsibility of the youth, such as employment or job training; and evidence of drug or alcohol use or abuse.

The character review must be objective and nonjudgmental. Subculture life-styles, sullenness, posture, gestures, race, and sex should not be

> allowed to influence the character study and the ultimate decision to divert.[1]

The criteria should be incorporated into the written policy of the police department and should also be made specific to the circumstances of the community. All of the criteria should be carefully integrated into the diversion decision process to insure that one factor is not the basis for deciding eligibility. Evaluation of existing diversion programs has shown that one factor, for example, type of offense, has been the deciding factor in a majority of the diversion decisions. This should be recognized and avoided.

Any decision to divert involves a certain amount of risk-taking. A police agency should be willing to assume this risk. Too often the very children who need the diversion program the most are screened off to guarantee the success of the program. It is this reason that makes comparing the rearrest rates of the diversion program with the juvenile court absurd. Too many programs take in only sure success cases who probably would have made it without the diversion program. All of the doubtful cases are then referred to the court. Such an operating procedure does little to help the children who need the program, nor does it relieve the caseload pressure of the court so that it may deal with the more serious offenders.

THE DIVERSION CONFERENCE

The youth and his parents should be invited to the police station for a diversion conference after: (1) the investigation is completed, (2) the diversion criteria have been applied to the case, and (3) a decision has been reached to offer the youth an opportunity for diversion. Both the child and his parents should be informed that their participation in the conference is voluntary. Again, the decision to divert the child should have been made before the conference is held, and the offer to the parents should be made without threats, coercion, or bargaining. The steps involved in the diversion conference are as follows:

Diversion Conference Steps

Step 1 Before a conference is held with the parents and the child, the investigation should be completed.

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[1] Richard W. Kobetz and Betty B. Bosarge. Juvenile Justice Administration (Gaithersburg, Md.: International Association of Chiefs of Police, 1973), pp. 87-91, 249-250.

Step 2 The diversion officer should apply the diversion criteria to the case to arrive at a decision as to whether to divert the child. A decision, based on the facts and circumstances of the case and the character of the child, should be made as to whether the child will be offered diversion with or without referral. The character review may necessitate an interview with the child. During the interview, the child should be afforded all of the due process rights normally accorded the accused. Care should be taken not to bargain with the child regarding the possible option of diversion.

Step 3 The diversion officer should schedule a conference with the youth and the youth's parents or guardian and inform them of the scheduled conference which requires their voluntary participation in order to be successful. If the parents do not choose to participate in the conference, the refusal may indicate a need to refer the case to the juvenile court. Experience indicates that very few parents refuse to participate in the conference. (A sample parent notification form may be found in Appendix B.)

Step 4 At the conference, the youth and the youth's parents or guardian should be informed of the decision to divert the youth, the criteria used to reach the decision, and how the decision was reached.

Step 5 The youth and the youth's parents or guardian should then be informed that if they agree to diversion or diversion with referral, a petition will not be filed on the case.

Step 6 If the conference results in an agreement with the youth and the youth's parents to use diversion without referral as an alternative to petitioning, the youth is then released into the custody and supervision of his parents.

Step 7 If the conference results in an agreement by the youth and the youth's parents to use diversion with referral as an alternative to petitioning, the terms of the agreement should be set forth on a "diversion referral agreement," completed in accordance with the police department's written policy. (A sample diversion agreement form may be found in Appendix B.)

Step 8 If the conference does not result in an agreement, the diversion officer may file a petition with the juvenile court. A petition should be filed only if the diversion officer feels that it is necessary and appropriate under the circumstances. He should not feel that the petition is his only option when faced with a refusal. The facts and circumstances may not warrant the filing of the petition and the resulting cost and involvement with the court.

Step 9 If the diversion officer is faced with a refusal and he decides that filing a petition would serve no purpose, the youth should be released into the custody of his parents. In such cases, a record of the refusal should be made for use in the event the youth is rearrested.

DIVERSION WITH OR WITHOUT REFERRAL

The diversion officer should use the resources of the community for referral whenever possible and when the referral is appropriate to the case. To simply divert the child to the parents when the child needs help serves no purpose and does not meet the needs of the youth, his family, the community, or the victim.

Diversion Without Referral

Diversion without referral, or simple diversion, is straightforward and easy to use. It amounts to releasing the youth to his parents or guardian without any activity or time commitment on the part of the youth. No agreement is necessary since the diversion requires nothing of the youth. This form of diversion is most appropriate where, for example, the offense was either an impulsive act or a product of the youth's immaturity. Release to the parent is appropriate in such cases if the supervision in the home is adequate.

For the more serious offender, the use of diversion without referral is counterproductive. Too many police agencies fall into the practice of diverting large numbers of youthful offenders without regard to meeting the needs of these offenders. This is an easy practice to fall into since diversion with referral is more time-consuming and involves the diversion officer acquainting himself with the resources of his community.

Diversion with Referral

Diversion with referral involves the youth's participation in some type of activity. Such a commitment requires the youth to waive his right to adjudication, which should be included in the diversion referral agreement. The youth is then assigned to a program, activity, or counselor. The referral can be to an "in-house" program, if the police department operates such a program. These types of programs may include general supervision of the youth or counseling, if the police department employs qualified counselors. Descriptions of program alternatives may be found in Section 5 of this manual.

The use of referral necessitates co-ordination with service delivery agencies. The Criminal Justice Goals and Standards for the State of Michigan advocates the use of a co-ordinating body to oversee the total referral operation. This is an optimum design and should be used if at all possible. However, a more common, but less desirable, design is where the police agency acts as the co-ordinating head for the referral program. This is sometimes necessary to get the referral program under way. If a Youth Service Bureau exists in the community, it can act as a clearinghouse for referrals.

When diversion with referral is used, it is necessary that the diversion officer familiarize himself with the services which are available and the contact people at each of the service agencies. Co-ordination of all referral procedures should be worked out and formalized, preferably in writing. These procedures should include: the types of referrals each agency is equipped to handle, who the contact person will be, the information which the agency will need to service the client, and adequate feedback from the agency which will insure that the police department can evaluate the success of the referrals.

(More detailed explanations of program types, co-ordination with referral agencies, and evaluation of referral program success may be found in Section 5. Diversion referral forms may be found in Appendix B.)

POLICE POLICY

One of the factors in a successful police-juvenile diversion program is the incorporation of the procedures of the program into the written policy of the department. Good management of police organizations dictates that operational information be reduced to writing in the form of police department policy and procedures. The operation of the police diversion program is no exception. The following elements should be included in police policy:

Police Policy Elements:

1. Assignment of responsibility for diversion decisions
2. Responsibilities of apprehending officers
3. Field decision procedures
4. Formal juvenile apprehension procedures
5. Notification of parents
6. Screening cases for diversion eligibility
7. Criteria for diversion
8. Diversion conferences' procedures
9. Diversion referral and feedback procedures

Probably the most important element of the policy is the delineation of responsibilities. Responsibilities should be assigned to the apprehending officer and should carefully define what he is to do. Responsibilities should also be assigned to the person(s) who will be making the diversion decisions and the assignment of youths to the referral programs.

Including the diversion program in the department's written policy forces those with design responsibility to face many of the operational concerns of running the diversion program. It also adds the formal weight of the organization to the program and delineates the objectives and procedures for the whole department. The written policy integrates the diversion program into the daily operations of the police department and takes away the mystery of "what is diversion?"

Section 4

ISSUES IN POLICE-JUVENILE DIVERSION

This section will pull together several important issues which have threaded through the manual; namely, the legal base for diversion in Michigan, protection of the offender's due process rights, record-keeping, and the juvenile justice system implications caused by the police diversion of juveniles. These issues have been discussed elsewhere in relevant contexts in this manual, but this section will attempt to focus on them so that the practitioner can deal with them when they arise.

LEGAL BASE FOR DIVERSION IN MICHIGAN

Probably the first question a person contemplating using diversion is likely to ask is, What is the law on the subject? The answer is of little comfort. There is no law. The situation with diversion is similar to that with discretion. There is no law specifically allowing for police discretion, yet the practice is integral to the operation of the police. The potential practitioner should not be frightened off because there is no specific provision in the codes for diversion.

This manual advocates the use of voluntary diversion. This is meant to satisfy the restrictions of the lack of a legal base. A person may voluntarily waive his constitutional rights if such a waiver is knowledgeable. If diversion grows out of its philosophical groundings, as it ought to, there should be no problem with the police using diversion. Diversion is meant to be an opportunity, a second chance, and a privilege for the child. It is neither a punishment for the child nor a short cut for the police. If the police policy and procedures reflect this approach, the use of diversion will fall well within the protections of the Constitution.

At the time of the writing of this manual, there is no specific provision in the Michigan statutes for the use of police diversion. However, many commissions and respected people in the criminal justice community openly advocate the use of diversion. These advocates are pushing for the use of diversion for numerous good reasons, many of which may be found in Section 2 as "rationales." If the practice of diversion is voluntary and noncoercive, it will comply with existing Michigan statutes and state and federal constitutional protections.

Federal case law has built up a foundation for the waiver of constitutional rights. It is not the intention of the authors to purport to be constitutional scholars, but a review of Supreme Court decisions gives comfort to the police officer about to practice diversion. The Court has used certain "tests" when assessing whether a police practice does or does not abridge an accused person's constitutional rights. The requirement of a "knowing" and "intelligent" waiver was articulated in a case involving the validity of a defendant's decision to forego a right constitutionally guaranteed to protect a fair trial.[1] The Court has also stated that the question of whether a consent to a search was, in fact, "voluntary" or the product of duress or coercion, express or implied, is a question of fact to be determined from the totality of all the circumstances.[2]

Either of these "tests"--a knowing and intelligent waiver or voluntariness as a question of fact to be determined from all the circumstances--can be met by the practitioner who follows the guidelines spelled out in this manual. If the constitutional rights of the offender are protected through the investigatory process and the diversion decision is made independent of the investigation, a first step has been made in the right direction. If after the decision has been made to divert and any obligation is made of the youth, the decision on the part of the youth and his parents to participate must involve a knowledgeable and voluntary waiver of the youth's right to adjudication. The step-by-step procedures found in Section 3 provide the necessary guidance for the diversion process.

Police officers have successfully complied with the Court's standards regarding interrogation and informing suspects of their rights. As much as the police might complain about these constraints, they have complied and have, for the most part, done a fine job. The same applies to diversion. It is possible to look to the Court for guidance and do a constitutionally sound performance with diversion, without the Court having to enter the picture, after the fact, and exercise supervisory control.

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[1] Johnson vs. Zebst, 304 U.S. 458,58 S.Ct. 1019, 82 L.Ed. 1461 (1938).

[2] Schneckloth vs. Bustemonte, 412 U.S. 218,93 S.Ct. 2041, 36 L.Ed. 2d 854 (1973).

On the statutory horizon, in Michigan, is a bill to set down in the law the police-juvenile diversion concept and the associated procedures.[3] The bill is in the Senate at the time of the writing of this manual. The guidelines in this manual conform to the provisions of the proposed law. Whether the bill becomes law is yet to be seen; however, the very fact that the Legislature is confronting the issue lends weight to the practice of diversion.

PROTECTION OF DUE PROCESS RIGHTS

Under the Fifth and Fourteenth Amendments to the United States Constitution, no person shall be deprived of life, liberty, or property without due process of law. These rights include, but are not limited to, the right to remain silent, the right to counsel, and the right to a trial. Police regularly protect these rights of the accused in the criminal investigatory process. Those procedures necessary to protect the due process rights must be carried over into the operating procedures of the diversion program.

Operationally this means that the child retains the right to remain silent throughout the diversion conference, that he may be represented by counsel at the diversion conference, and that he retains the right to be proved guilty through an adjudicatory process, unless the right is specifically waived. To ask the child to participate in a diversion program where he is expected to do anything, whether it be an activity or simply attend counseling sessions, can be a denial of liberty if he (and the parents) do not waive the right to trial.

If the diversion amounts to simple release without prosecution, the problem is not as great. Diversion, without referral, amounts to little more than protecting the child's rights during the investigatory stages of the process. When nothing is asked of the child, there is no denial of liberty and, therefore, the due process issues become moot.

When the child is referred to a diversion program, he must waive his right to trial before the process becomes legally sound. To continue the threat of prosecution throughout the diversion is, in fact, to practice probation which the police have no authority to do. If the child agrees to participate in the diversion program, he must waive his right to trial and the police must waive the right to prosecute.

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[3] Substitute for H.B. 4774 (H-4), Michigan Legislature (April, 1980), pp. 47-49.

The police officer should inform the child and his parents of his rights and be very "up front" with what the procedures and expectations of the diversion program are. If the department's policy and procedures are sound, there should be no fear of the child having counsel present during any of the proceedings, including the diversion conference.

Admission of guilt should not be a criterion for admission to the diversion program. Care should be taken to insure that diversion is not offered to the child as a means to obtain an admission of guilt. Conversely, if the child denies guilt, the department should not allow him to be admitted to the diversion program. In a denial situation, the child should either be released without prosecution or petitioned into the juvenile court.

Protecting the due process of offender children is extremely important, and every consideration should be taken to guarantee these rights. Police officers have been acutely aware of defendants' rights since Miranda. Because of this increased sensitivity, most police officers know intuitively what crosses the line into abridgment of rights. The police officers using diversion should maximize this feel for rights' protection in designing the program. However, legal advice should be sought out for final approval of the program design. Probably the ultimate approval would come in the form of a judicial sanction of the program. This was done in Dallas, Texas, and added tremendous credibility to the program. (A copy of the Judge's order can be found on page B-4 of Appendix B.)

RECORD-KEEPING

Without a doubt, the most controversial issue surrounding diversion is record-keeping. When the topic is brought up, the debate becomes so heated that little can be accomplished. Basically, the issue boils down to two points of view: first is the need of the police to keep records of offenders for administrative purposes, and second is the protection of the rights and integrity of the offender from records abuse. People arguing these two points of view seem to be able to find little middle ground on which to agree. Bearing this conflict in mind, the authors will attempt to guide the practitioner to important considerations in this area.

Of primary concern to the practitioner is the adequate collection of information to insure the competent functioning of the program. At a minimum, this includes apprehension records, criminal investigation records, diversion interview forms, and referral records. Few people would deny that the police need adequate records; however, determining what is adequate is another issue. Many people are concerned to learn that the police are retaining any information on juveniles.

The authors are forced at this point to take a position on the issue in an effort to guide practitioners in building an adequate information bank to insure the competent operation of the program. Whenever information is gathered on people, safeguards must be built-in to prevent the collection of unnecessary or improper information. The release of any information must also be closely safeguarded. Information should also not be retained beyond its useful life to the diversion program.

In deciding what information to collect, the guiding thought should be that no more information should be gathered than is necessary to the operation of the program. A record of the apprehension should be made, adequate record of the investigation and case workup should be made, and necessary dispositional and referral information should be collected. For the person setting up a program, this base data problem should be carefully thought out. The police may also want to secure a release of information waiver from the child and his parents to allow the collection of information from such sources as the school, physician, or social service agency (see Appendix B).

The authors recommend that a central depository should be set up to record apprehensions and dispositions. This means that a central record should be kept, by name, of all apprehensions by the police for a given geographical area. Probably the most logical repository is the juvenile court, which is in this business already. The use of the juvenile court will involve considerable work on the part of all persons involved to get the necessary co-operation, but the work will prove worthwhile in the long run. Other possible repositories include the Youth Service Bureau, the sheriff, the State Police post, or a designated police agency.[4]

The central file is advocated to facilitate the uniform treatment of offenders to determine that a child is not handled as a continual first offender by succeeding police agencies. Any central file is controversial and opposition should be anticipated, but the benefits should prove to be worth the fight. The file should include: the name and address of the offender, the date and place of the offense, the offense, and the police disposition (referred, released, or petitioned). The disposition of the referral agency or the court may also be included.

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[4] The use of the Youth Service bureau as a central repository may necessitate a contractual agreement between the criminal justice agencies and a noncriminal justice youth service bureau to insure the privacy and security of the records. Such an agreement should cover procedures and policy for collection, storage, dissemination, and security of the records.

Release of information is an extremely sensitive area within the records issue. The release of information includes both the release from an outside agency to the police department and from the police to an outside agency. Any exchange of information should be handled cautiously to protect both the offender and the police department. In a situation where you cannot disseminate the contents of a record, never state that an individual does or does not have a record.

The Michigan Supreme Court in Aetna Casualty & Surety Company vs. Oakland County Probate Judges held that police records do not come within the meaning of the statute which provides that juvenile court records shall be open only by order of the court to persons having a legitimate interest (MCLA 712A.28).[5] This court case notwithstanding, a police department would probably be well advised to routinely release information only to other criminal justice agencies and then only on a "need to know" basis. Release of information beyond criminal justice should be carefully controlled. Arrest information should never be released to recruiters, prospective employers, or credit reference bureaus.

Any criminal justice agency which collects criminal history record information is subject to regulation in the form of federal and state laws, statutes, and rules and regulations. Such agencies should familiarize themselves with the following:

- The Freedom of Information Act, as amended, 5 U.S.C. §552
- The Freedom of Information Act (of Michigan), Public Act No. 442 of 1976
- The Privacy Act of 1974, 5 U.S.C. §552a
- Title 28, Chapter 1, Part 20 of the Code of Federal Regulations (as issued by The Department of Justice and the Law Enforcement Assistance Administration)

Title 28 directly regulates the collecting, storing, and disseminating of criminal history record information by any criminal justice agency "where such collection, storage, or dissemination has been funded in whole or part with funds made available by the Law Enforcement Assistance Administration subsequent to July 1, 1973, pursuant to Title I of the Act."[6] Whenever personal identifiers, such as name and address, exist on the same piece of paper with one of the formal transactions of the criminal justice system, a criminal history record information is created.[7]

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[5] Aetna Casualty & Surety Company vs. Oakland County Probate Judges, 393 Mich. 597.

Restrictions on the dissemination of criminal history record information collected on juveniles apply to all cases adjudicated by the juvenile court,[8] regardless of whether the record is held by a law enforcement agency or the court itself. *The restriction does not apply to criminal history record information in police records of juvenile cases which do not reach the adjudication phase* (emphasis added).[9] This means that relevant case information may be disseminated to a noncriminal justice referral agency where the child has been referred by the police and the information is necessary for the referral. Only information specific to the case--not the child's criminal record--should be disseminated.

Diversion programs would do well to obtain a court order to govern the release of information regarding an offender to a social service agency to which the child is referred. A waiver for the release of information signed by the parents is also advised in referral situations. When arrest information is released to a noncriminal justice recipient, an agreement of nondisclosure should be signed. To insure the accuracy of the record of any offender, the agency should permit the inspection of the file by the offender and provide for the correction of inaccuracies.

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[6] Section 20.20a, Code of Federal Regulations, Title 28, Chapter 1, Part 20 (published in the Federal Register, March 19, 1976). Title 28 is a Law Enforcement Assistance Administration regulation covering the collection, storage, and dissemination of criminal history record information in LEAA-funded situations.

[7] Michael A. Zimmerman, Donald F. King, and Michael E. O'Neill, How to Implement Privacy and Security: Department of Justice Regulations, Title 28 and Beyond (San Jose, Calif.: Theorem Corporation, 1976), p. 11. Hereinafter referred to as Zimmerman, Privacy and Security. This book is an excellent guide to understanding Title 28 and is available for $10.00 from the Theorem Corporation, 1737 N. First St., Suite 590, San Jose, CA 95112.

[8] Section 20.21(d), Title 28.

[9] Zimmerman, Privacy and Security, pp. 76-77. Diversion cases are treated as active pending cases which are not restricted. However, if the case is not prosecuted after one year, it becomes "nonconviction data" and its dissemination is restricted (Section 20.3(k), Section 20.20(c), and Section 20.21(b) of Title 28.)

Retention of juvenile records is another heated area. The philosophical roots of diversion advocate a minimum involvement by the juvenile with the juvenile justice system. If the diversion record is retained and treated like an arrest record, it would seem to negate this philosophy. There are those who would say that a child's diversion record should be destroyed once he successfully completes the diversion program. Others argue that the records should be retained for long periods of time so that the police will have a record of the child's total criminal involvement.

The authors suggest that the records be purged at some designated point in time; for example, the youth's seventeenth birthday. Retention of the records on a child beyond his age of emancipation serves little or no constructive purpose. For the successful diversion candidate, the police agency may want to destroy the record one year after the involvement if there was no repeat offense. There are endless possible policy positions one can take, but, in the end, an effort should be made to allow the child to free himself from his past whenever possible.

The following guidelines are offered to promote privacy through quality control over record content and dissemination controls that limit those who may obtain and use records.

Quality control calls for several procedures and standards:

1. Clerical procedures for certifying the accuracy and completeness of records (in automated systems, computer software should screen for accuracy and completeness).

2. Standards for the quality of information to be entered in record systems.

3. Procedures for purging irrelevant information.

4. Procedures for inter-agency cooperation in disposition reporting.

5. Procedures that restrain wholesale computerization of information. Only that information which can be properly handled by a computer should be mechanized.

6. Procedures that allow the record subject the right of inspection and challenge.

7. Procedures for audit by external authority.

Dissemination control requires an additional set of procedures. Those who share information should:

1. Establish rules about who can get what information and when.
2. Adopt measures for both manual systems and automated systems that prevent unauthorized access and use of information.
3. Install security devices such as special computer software, locks, secure doors and filing cabinets, and paper shredders.
4. Log all information disseminations.
5. Obtain user's agreements from all recipients.
6. Accept audit by external authority.
7. Be subject to criminal or civil penalties if the rules for limited dissemination have not been followed.[10]

JUVENILE JUSTICE SYSTEM IMPLICATIONS

When the police begin to use diversion as an alternative to prosecution, it is bound to have implications for the prosecutor, courts, and corrections. In one Michigan county, the use of diversion by the police cut the caseload of the court intake workers by 50 percent. Because of this rippling effect, it is important to keep others in the system informed of what you are doing. The reverse effect can happen when a judge issues a blanket order saying that he will not accept certain types of cases; what are the police to do in such a situation?

When decisions are made that affect others, the decision should be made with their knowledge, if not their blessing. What is suggested is that diversion be done in an air of co-operation. When you set out to start a diversion program, involve as many people as you can. These people will lend support to your program and broaden the base in the community upon which you can build.

Throughout this manual are suggestions for involving people to increase the effectiveness of diversion. In Section 5 there is advice on setting up a co-ordinating and advisory board to oversee the program. This board increases community involvement and facilitates support for the effort to divert children. Ideally, such a board would be drawn from the community and the components of the juvenile justice system. The board would direct the programmatic effort; however, it may be closer to reality that the police department has to be its best advocate. In such a case, a board would be used, but the behind-the-scenes push would come from the police.

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[10] Ibid., p. 16.

It is less than efficient for the police department to rush into diversion by itself. At the very least, it is good practice to advise the judge of the department's plans. If a sincere effort is made to involve the judge, you might be pleasantly surprised to find that he is behind the effort. In many cases, the authors found that the juvenile court judge was suffering from frustration because of the court's caseload and the limited number of options open to him. Most judges feel that it is proper for the police to divert cases from the court. They also support diversion to referral programs, without the involvement of the court, if this will help the children.

What all of this boils down to is--get as many people involved in the program as possible. It is only common sense that the police should seek the support of the prosecutor and the court. It may not always be forthcoming, but, if the help and advice is sought, the effort alone lends credibility to the police program.

The criminal justice system has long suffered from a problem common to most organizations--inertia. You are likely to encounter similar problems with your advisory board since these people represent organizations which have set ways of doing things. However, if you understand how change comes about, you can initiate steps to bring about desired change. One approach is outlined here as to when an organization is likely to change:

1. When forces critical to an organization are applied. (Funds or budget pressure is one example, a court order may be another.)

2. When the force is in a positive direction.

3. When informal arrangements are made to work out the change. (This means that you should work through the idea with key people informally before the idea is tried out on the whole committee.)

4. The informal arrangements must then be formalized by the whole committee. (This lends the credibility and weight of the whole to the idea.)

5. The principals in the change organization now have allies to help them initiate the change. (This means that you now have help in getting the committee to support change and lend its weight to the change.)

6. An informal task force should then be formed within the committee to work out the details for the change.

If there is not a force for the change, as suggested in the first step, you can create the force by working with groups in the community to stir up interest. These organizations include: The League of Women Voters, the Chamber of Commerce, and the Lions Club. These steps are not new; political parties and effective innovators have been using these methods since time when. Informal arrangements have frequently been used to get ideas changed into action throughout history. Everything can't be done at the town meeting, no matter how good and how deserving an idea might be.

The police must also begin to think in terms of a system which includes not only the traditional components of the criminal justice system, but also the community and the total environment within which the police must function. When the police begin to operate in these terms, their effectiveness will begin to increase.

Section 5

CREATING DIVERSION PROGRAMS

Ever since the President's Commission on Law Enforcement and Administration of Justice published the Task Force Report on Juvenile Delinquency and Youth Crime in 1967, the term diversion has become increasingly popular. Paralleling this concept has been the development of juvenile diversion programs at all levels of the juvenile justice system. By one account, there are between 150 and 200 diversion programs operating in California alone, and "they are literally exploding in numbers across the Nation."[1] However, in spite of the apparent interest level that seems to exist regarding alternatives to the system of juvenile justice, there appears to be a scarcity of literature pertaining to how a diversion program should be developed.

> The literature on juvenile justice is virtually devoid of studies of the variety, functioning, and effects of diversion policies and practices. Upon reflection, this is not surprising since, on the one hand, diversion as a self-conscious practice is relatively recent, and, on the other, it is rather difficult to describe and assess, owing to the multitude of diverse operative patterns and to the paucity of systematic record-keeping by the agencies purporting to engage in diversion.[2]

This section will attempt to provide the reader with basic information relative to the formation and management of diversion programs. It is intended to be a guide, in easy-to-use form, for the police executive and juvenile officer who desire to implement a juvenile diversion program for their departments. Operational guidelines and procedural methods for establishing a diversion program will also be offered.

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[1] Malcolm W. Klein and Kathie S. Teilmann, Pivotal Ingredients of Police Juvenile Diversion Programs (University of Southern California, Social Science Research Institute, 1976), p. 1.

[2] Donald R. Cressey and Robert A. McDermott, Diversion from the Juvenile Justice System (Ann Arbor, Mich., National Assessment of Juvenile Corrections, 1973), pp. 8-9.

THE KEY INGREDIENT

When this study was initiated, it was the premise of the project that a single "model program" be designed that could have state-wide application. It was believed that with some minor adjustments, a "model" could be developed which would be flexible enough to fit the needs of both the large metropolitan police department and the small rural department. This position was taken mainly because it was the intention of the project staff to travel to all operational police-juvenile diversion programs within the state of Michigan, and, in addition, to a selected group of so-called "exemplary programs" located outside the state. Given this much exposure to so many programs, it seemed logical that by taking the strong points of each program and combining them, a model police-juvenile diversion program could be created. This notion was quickly abandoned, as it was found that nothing could have been further from the truth.

As the project developed and information relative to the "state of the art" was digested, it became increasingly clear that there were no all-encompassing truths concerning the diversion of juveniles by the police, or any other component of the juvenile justice system, for that matter. What was found was a tremendous variety of approaches, standards, guidelines, and beliefs as to what constituted diversion. No less than ten different definitions of diversion were found, and it was learned that there were at least 150 diversion programs operational in California alone, all operating without any uniform set of guidelines or objectives. However, at each site visited, an element was found which was common to all of the programs and which served to make these programs successful.

Strongly motivated and dedicated people were found to be that key ingredient. Even though there was not a single program identified that could serve alone as the model by which all diversion efforts in Michigan should evolve, each program was creditable because of the people associated with it. More often than not, the entire success of any program hinged on the degree of skills, resources, and innovation possessed by the staff members. The one caveat that should be advanced, however, is that whenever an operational program was identified, there was total agreement by those directly involved with the program that in addition to the good intentions of program staff was the need for written guidelines and, particularly, criteria. It was also the consensus of many of those who were contacted that a legislative base that would prescribe the use of diversion as an alternative to prosecution would be invaluable to their efforts.

GENERAL TYPES OF DIVERSION PROGRAMS

The most basic form of police-juvenile diversion is diversion without referral. Simply stated, this amounts to an officer merely releasing a youth to his or her parents without any further contact beyond the officer's formal written account of the incident. The youth is immediately removed from the system, and there is nothing further expected from him or his family. This approach hardly constitutes a diversion program; however, it is the most commonly used form of diversion by police officers. This form of simple diversion is discussed in Section 2 of this manual.

In-House Programs

Juvenile diversion programs that are operated totally within a police department are referred to as in-house programs. Within this context, an in-house program can take several different forms. The staff can be full-time sworn officers who completely administer the program, including any counseling that might occur. This approach is not widely used and is not recommended due mainly to the type and degree of specialized training that is necessary to justify using a police officer as a counselor. What is prescribed and more widely accepted is the use of civilian personnel to serve as counselors.

Many police departments that have successful diversion programs use a sworn officer to administer the program and supervise a team of full-time counselors who have specific professional counseling skills. A variation to this approach involves a sworn officer serving as an administrator who directs the efforts of a team of volunteer counselors. The latter approach is most practical when there is a college or university in close proximity to the police department. The prospective volunteers may be drawn from the undergraduate or graduate ranks of the school's sociology, psychology, or social work departments. To what degree specialized counseling skills are required is dependent on the needs of the youths who are being targeted and the overall goals of the program.

Another variation of the in-house form of diversion program is what is known as the fireman-counselor program. Firefighters who volunteer their services can be a valuable resource to any form of diversion program, given proper training. Based on the premise that the firefighter often projects a positive, nonthreatening image to many youths, some police departments, including Dallas and Los Angeles, have organized interested volunteers from the city's fire department to serve as a form of "big brother" and part-time counselor to troubled youths. The volunteers are trained mainly around the objectives of the diversion program with some additional training in the area of adolescent development and crisis intervention techniques. The value of adding this component to a program is that it can increase the number of available resources at minimal cost and can provide long-range follow-up to initial counseling and work with a youth. The fireman-counselor approach is not recommended as the primary programmatic effort, but, rather, as an extension of a sound in-house program or referral program which will be discussed next.

Outside Referral Programs

The outside referral type of juvenile diversion program is probably the most feasible mode for a majority of police agencies. This position is based on the fact that this approach requires less staff support and can require a minimum amount of funding. The procedure that is followed under this type of program calls for apprehended youths to be diverted to available outside community resources for assistance with their problems. This can range from Catholic Family Services to alternative educational projects. What is stressed is the organization and cultivation of local community agency resources to meet the needs of troubled youth in lieu of traditional processing through the juvenile justice system.

A more formalized type of referral is the purchase of services which can be used in addition to referral to community programs. Given the necessary financial resources, a police department may contract with professional service providers when such services are either unavailable publicly or a client fee is an expectation which the youth and his parents cannot afford. The outside referral program approach, including the purchase-of-services possibility, requires a thorough knowledge and assessment of available community resources. It also requires co-ordination between all agencies involved, including a constant open line of communication between all interested parties to insure that referrals are handled uniformly and that the police agency receives feedback concerning each referral.

As indicated earlier, the referral program has the advantage of requiring little or no staff support within the department. Every officer within the department can be trained to apply the appropriate screening and diversion criteria. An individual officer can also make referrals to the appropriate referral agencies and be responsible for case management, including feedback. However, this is not the recommended manner in which to proceed. A juvenile officer should be designated, or if the department already has a juvenile unit, these people should be responsible for managing the diversion referrals within the department. It is also suggested that the juvenile officer, or unit, be held accountable for the program as it exists within the department. This person or unit should be responsible for formulating diversion policy, criteria, forms, and procedures for the department's use. An additional responsibility should be to develop the necessary liaisons with community referral agencies to insure a uniform procedure for making referrals, obtaining feedback, and to facilitate general problem-solving.

INDIVIDUAL TYPES OF DIVERSION PROGRAMS

It has been established that, in general, police-juvenile diversion programs are structured around the in-house or outside referral models. However, there are many variations on these themes which reflect the goals and intentions of those who operate diversion programs. Diversion programs have individual characteristics or "personalities" which tend to make them unique. These individual types of programs can be identified by what they attempt to do; therefore, the following seven examples are offered for the purposes of further clarification and examination of diversion programs.[3]

Probation Type

This type of program is based on an informal police probation format in which it is made clear that the youth is to stay out of trouble and that the police officer is there to see that he does. If the youth involves himself with anything other than exemplary behavior, he will be removed from the program and processed through the juvenile court. The number and duration of contacts with the youth, family, and school personnel is negotiable.

The elements of this approach are straightforward, authoritarian, and intentionally coercive in character. There is no great need for specialized or technical training; therefore, this program would be ideally suited for non-specialized sworn personnel. *Note:* This type of program is not recommended for use in Michigan due to the degree of coercion associated with it. There is no legal basis for diversion in this state; therefore, due to this fact and because of the due process considerations that should be afforded the youthful offender, this type of program has no application as a diversionary effort.

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[3] The seven diversion program types have been adapted from: Hunter Hurst and Arden Melzer, "Police Diversion of Juveniles: Program Development Guidelines" (Preliminary Draft, Pittsburgh, Pa.: National Center for Juvenile Justice, June, 1977), pp. 32-48. Hereafter cited as: Hunter Hurst, "Police Diversion of Juveniles."

Treatment Type

The staff personnel associated with this program type are required to be well trained with substantial knowledge about child development theories and the family process. It is also necessary for the staff to possess practical skills in individual counseling and group methods, as well as an awareness of the influence of sex, age, race, and socioeconomic class on the behavior of problem youth.

The police department must usually rely on services provided by community agencies to accomplish the objectives of this program type, mainly due to the demanding specialized skills and training requirements that would be imposed on the average police officer. However, an alternative is to hire qualified civilian personnel if an in-house program is desired and funds are available. If community service agencies are to serve as the nucleus for this program, it is imperative that a strong liaison between the police department and the community agencies exist. A further consideration is that the entire process can be simplified if a purchase-of-services contract is utilized.

The in-house treatment program may appear to be undesirable on its face, due to the obvious burdens that it would create. It may duplicate existing community services, place fiscal demands on the departmental budget, and require specialized training if sworn personnel are used as program staff, rather than administrative staff. However, the outstanding advantage of the in-house approach, from a police perspective, is that the police are assured that the service will be provided. All too often, police officers voice concerns over the intake policies of community agencies and the lack of service delivery and accountability of such agencies.

Education and Work Type

This diversion program is premised on the notion that the two major institutions in which youth are involved are education and work. It is believed that if a youth can successfully perform at school and/or work, there will be less chance that he will become involved in delinquent behavior. While neither education nor work is considered a normal police department responsibility, as it pertains to youth, it is thought that if the police department can attempt to control delinquency by assisting in these two areas, there will be a resulting effect on the workloads of the police department and the juvenile court. By meeting these needs of delinquent youth, the police are fulfilling needs that are not being met through normal channels.

The objectives of the program become remedial teaching and job counseling. Staffing such a program entails the in-house services of civilian personnel who are trained and skilled in the above areas. An additional advantage to the in-house education and work diversion program is that there may be substantial benefits for delinquent youth to be derived from receiving education and manpower services in the authoritative setting of a police department.[4]

An important component of this in-house plan is the availability of appropriate jobs for youth. Departmental and civilian personnel must insure that potential employers take an interest in the program and that an open line of communication is maintained with these sources. Where budgetary problems exist, the use of qualified volunteers should not be overlooked.

Community Volunteer Type

The community volunteer type of diversion program is particularly well suited to small rural communities, as well as closely knit suburban areas, where the availability of community services and trained specialists is limited. The goal of this program is to identify and recruit interested individuals from within the community to assist problem youth. Potential candidates contribute by serving as "big brothers," as educational tutors, or by providing employment opportunities. The police officer plays an integral role as the person responsible for identifying and developing liaisons with the appropriate community members. This means of addressing youth problems already exists on an informal basis in some rural areas and can be developed by the police department into a formal diversion program.

Recreational Type

Through the use of athletic activities--with an emphasis on team sports--this type of diversion program attempts to channel the physical aggression and sexual frustrations of delinquent youth into socially constructive activities. This program is premised on the assumption that by exposing delinquent youth to the benefits of good sportsmanship, playing by the rules, and healthy competitiveness, these behaviors will be internalized and carried over to other spheres of life. Also associated with this type of program is the belief that there will be added benefits in the areas of health and demeanor, which can contribute to a modification in delinquent behavior. Since sworn personnel are directly involved with this program, it is also thought that there will be a resulting positive influence on attitudes toward police officers and community relations. Because there is no specialized training required, sworn generalists are well suited to staff such a program.

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[4] Bureau of Police, City of Wilmington, Youth Diversion Project, Quarterly Report No. 4, July 13, 1976, as cited in Hunter Hurst, "Police Diversion of Juveniles," p. 41.

Big Brother Type

The goal of this program is to establish a big brother/big sister program within the police department to match interested community adult volunteers with problem youth. An attempt is made to match the volunteer with a youth in such a manner that they can relate to one another and communicate well. The heart of this program relies on a well trained and skilled administrator who will serve to identify and recruit suitable volunteers. This person must also provide an educational function based on his knowledge of adolescent and delinquent behavior. It is imperative that this be a full-time paid position due to the high level of skills and knowledge required. Either a sworn, specially trained officer or a civilian counterpart is suitable as the administrator. This programmatic approach is similar to the community volunteer program; however, the big brother program is not limited to small communities. Furthermore, this type of program may not constitute the entire diversionary effort of a police department.

Diversified Type

The diversified type of program attempts to compensate for the fact that one of the major weaknesses associated with juvenile diversion programs is the apparent paucity of definitive research to support specific programmatic efforts with regard to police-administered diversion programs. This approach is further premised on the notion that a variety of diversion services can be provided by a single police agency. It is felt that, when it is possible to establish this type of program, it may offer the most promising approach to police-juvenile diversion programs.

The diversified type of program embodies the principles of simple diversion, in-house diversion programs, and outside diversion referral programs. The following examples might serve as the components of a diversified program:

A. One-time counseling and release with no further expectations or involvement required of the youth.

B. A first-offender program which can take any number of forms, some of which are listed below:

1. Reality Education. A short educational course, examining the criminal justice system, laws, and the ramifications if the youth becomes involved in the system.

2. Identification of Needs. A program designed to identify specific needs of problem youth (with diversion to the appropriate source) could identify such problems/needs as:

   a. Remedial education to improve school performance

   b. Economic need and a desire to be employed

   c. Family problems

   d. Drug or alcohol abuse and a need for appropriate counseling and education

   e. Problems involving immaturity or inexperience

   f. Sexual problems

3. Diversion. Provision of appropriate services through diversion such as:

   a. In-house individual and group counseling program

   b. Big Brother/Big Sister program

   c. Recreational program

   d. Outside referral to specialized counseling services

   e. Drug education and counseling program

   f. Sex education and counseling program

   g. Behavior modification program

   h. Education and employment program

In the final analysis, the scope of a diversified program is determined by the following factors:

1. Availability of funds
2. Size and complexity of the police department
3. Target population within the community
4. Availability of community referral services
5. Successful liaison and acceptance by the general community
6. Number and types of offenses
7. Characteristics of the youthful offenders being served

ASSESSING NEEDS

If a diversion program is being contemplated by a police department, there is a presumption that the department sees a need to handle the problems of delinquent youth in a different manner than has traditionally been the norm. However, this can prove to be faulty reasoning if an effort is not made to carefully document such a need for a diversion program. This is what a needs assessment is designed to do. First, there is a need to document: (a) the scope and severity of the community's delinquency problem, (b) the police department's traditional reaction to youth crime, and (c) to what degree the department is satisfied with its traditional response to youth crime. The second step in a needs assessment entails a review of available community services which have or can potentially address youth problems. This exercise also will serve to document "gaps" in service where resources should be developed to meet the needs of certain youth. The following discussion offers some practical ideas for conducting a needs assessment.

A police department has several advantages over other youth agencies in gathering information to document the presence of a delinquency problem in the community. The most obvious advantage lies in the fact that the police department deals on a regular basis with crime involving youth. Juvenile apprehension records and related criminal complaint reports are on file and can be reviewed and tabulated. Some departments may also be utilizing field contact cards which might prove to be useful for documenting the ages of individuals with whom officers routinely come into contact. These cards might also provide an indicator for the types of crimes that juveniles are committing.

Additional information can also be obtained from neighboring police departments within the county, or area under examination, to form a more comprehensive information base. Another valuable source of information regarding youth problems is the community's school system. Often, for numerous reasons, a variety of crimes that are detected within the school setting are not reported to the police. Nonetheless, school administrators, such as principals, counselors, and truancy officers, can prove to be an invaluable resource toward documenting the scope and severity of community youth problems.

Once an acceptable amount of base line data which supports the existence of a delinquency problem has been collected, it is imperative that a hard look be given at how the police department has traditionally reacted to the problem. Factors should be considered such as:

a. Types of offenses

b. Number of juvenile court referrals

c. Number of youths simply released to parents

d. Recidivism rates

e. Felonies vs. misdemeanors

f. Use of community agencies

g. Age of offenders

After examining the "state of the art" relative to how the department normally processes a delinquent youth, a determination must be made as to whether standard operating procedures are appropriate and serve the best interests of the youth, his family, and the community. If it is determined that there is a degree of dissatisfaction and frustration associated with the department's response to the problem, the next step becomes a review and examination of available community resources that can assist.

An attempt to document the existence and availability of community service agencies should begin with the telephone directory. This source of information is often overlooked, but can save time and energy as a place to begin the search. Some communities are fortunate enough to have community resource directories. If such a document exists, it can often be obtained through the county Cooperative Extension Office, which is also a good source of information. Other helpful contacts that should be made include: the intermediate school district office, the juvenile court, and the community mental health board. Each of the representatives from these agencies can advise on the existence and availability of community services for troubled youth. They should also be able to provide feedback on service voids or gaps.

POLICE REFERRALS TO SERVICE AGENCIES

Police departments face four problems when referring youth to community service agencies. They are: (a) acceptability, (b) suitability, (c) availability, and (d) accountability.[5] Recognition of these problems will facilitate their solution. These are not insurmountable problems; however, they do warrant attention.

Acceptability

Police officers have a tendency to stereotype certain service agencies that are attempting to work with troubled youth. Free clinics, runaway shelters, and informal drug programs are examples of such endeavors that are often successful in helping troubled youth, but have been "labeled" by the police due to a limited frame of reference which is often very conservative. One-to-one contacts can begin to facilitate a better understanding between police departments and service agencies when the police department holds a negative view or is skeptical of such services.

Suitability

Many community service agencies are unsuitable for use by the police as potential referral sources because they may accept only certain cases or because of the agency's policies and practices. Other practical considerations that affect suitability are restrictive fee schedules, long waiting lists, an insufficient number of personnel, and budgets. Another pitfall that often precludes the use of service agencies is that their hours which are often 9 a.m. to 5 p.m. are not conducive to police referral needs. Police officials can either accept this situation for what it is and adapt accordingly, or they can begin to work with the particular agencies that are viewed as potential referral sources to address whatever problems that stand between their co-operation.

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[5] Malcolm W. Klein, "Issues in Police Diversion of Juvenile Offenders," in Back on the Street: The Diversion of Juvenile Offenders, ed. Robert M. Carter and Malcolm W. Klein (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1976), pp. 94-96.

A certain amount of care should go into the selection of a suitable agency to match the needs of the youth with the resources of the referral agency. There sometimes is a tendency on the part of referral agencies to begin accepting a wide variety of clients based on past successes in a given area. This could have a negative effect on the agency's responsibility to old clients and is detrimental to the agency's overall creditability.

Availability

A variety of recommendations have been made over the years in an attempt to provide community resources where they are nonexistent. However, two additional problems also must be examined relative to their impact on the availability of resources. The first problem centers on the fact that the availability of resources is no guarantee of quality. This problem must be dealt with on a community-by-community basis, and where weaknesses are known and acknowledged, the police may have a responsibility to demand better quality of services. Secondly, there is a low level of awareness of resources by the police; this lack of knowledge is both a police problem and a community resources problem.

A study conducted by Malcolm Klein in 1970-71 found that in six cities where officers responded to interviews concerning the availability of community resources, there was an almost total lack of knowledge on the subject. Reasons for this low level of knowledge included the fact that juvenile officers are not mandated to seek out referral services as a normal function of their duty, officers often do not live in the communities they serve, many officers do not belong to any community or civic organization, and private agencies often do not avail their services to the police.[6] Police and resource people must actively and regularly reacquaint each other with youth needs to insure that there are available resources.

Accountability

The appropriateness of referrals can never be known without some formal procedures for following up on placements. By actively soliciting comments from referral agencies, police are better equipped to make future referrals and expand communication with service agencies which, in turn, serves to improve co-ordination and the ability of agencies to respond to police needs. Robert MacIver makes an excellent suggestion by stating that the selection of an agency should be discriminating and the communication with it be fully informative. There should always be a follow-up to find out what, if anything, has been done. He further suggests that the trained juvenile officer is best qualified to undertake this task.[7]

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[6] Malcolm W. Klein, "Police Processing of Juvenile Offenders: Toward the Development of Juvenile System Rates." Report to Los Angeles County Criminal Justice Planning Board, 1970.

COMPONENTS OF A DIVERSION PROGRAM

Earlier sections in this manual have addressed topics such as issues, rationale, and definitions related to the diversion concept. All of this material is, in effect, pulled together when the components of a diversion program are prescribed. The discussion that follows will offer suggested elements that should not be overlooked when a diversion program design is being considered. Each of these components should be included in the foundation to any program. To exclude any one component will significantly undermine a program's chances for success.

Legal Base

There currently is no legislative basis for police-juvenile diversion in the state of Michigan. In the absence of any such mandate, the police need the total co-operation of the juvenile court and the prosecutor's office. There should be a clear understanding between each agency concerning the diversion program, which stresses both the court's and prosecutor's support and approval of such an endeavor. (See Appendix B, pages B-3 and B-4, for examples of how written approval can be developed with the prosecutor and juvenile court.)

Goals and Objectives

The goals and objectives of the diversion program should be in written form and should clearly define what the program intends to accomplish. Whenever possible, objectives should be measurable to the extent that an evaluation of the effort can demonstrate the degree of program attainment.

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[7] Robert M. MacIver, The Prevention and Control of Delinquency (New York, Atherton Press, 1966), p. 143.

Due Process

Every precaution must be taken to insure that the youth's due process rights are not violated, particularly at the investigatory and screening stages of his contact with the police (e.g., right to remain silent, right to counsel, etc.). However, at a later stage when he is being considered for the diversion program, there is still a series of due process concerns that should not be overlooked.

The youth and his parents or guardian must be informed that participation in the program is voluntary on the youth's part. There must also be a provision that allows the youth not to participate if he so chooses. There should not be any court action initiated against the youth for the original charge if he drops out or "fails" the program. Another important consideration is a policy that would require both the youth and his parents or guardian to sign a formal agreement (see Appendix B, pages B-10 and B-11), reflecting their willingness to participate in the diversion program. Such a form should also include a statement to the effect that the youth is waiving his right to adjudication by agreeing to the diversionary plan.

Departmental Policy

The diversion process should be an integrated activity of the police department. As such, administrative policy should be developed, in writing, that specifies responsibilities, authority, and accountability for those charged with implementing the diversion program within the department. (See Appendix C for an example of written diversion policy.)

Criteria

A detailed discussion concerning diversion criteria can be found in Section 3 of this manual. This aspect of a department's diversion effort is of great importance because it establishes a set of standards for determining who will be diverted. Written criteria also structures the decision-making process by establishing formal policy guidelines that departmental practitioners must follow. When diversion criteria is developed and committed to writing, it should be made available to the public for review.

Program Content

The department's diversion program should be clearly explained to both the youth and his parents or guardian in an effort to eliminate any misunderstandings. The youth should know precisely what is expected of him, whether it be a referral to an outside agency or a set number of contacts with in-house counseling staff. It is further suggested that consideration be given to setting expectations in writing to facilitate additional clarification and to avoid unforeseen future problems (see Appendix B, pages B-10 and B-11).

Confidentiality

Written approval should be obtained whenever information about the youth is needed from his school, social service agencies, mental health, or similar services. This information should be open to review by the youth or his parents or guardian upon request. Under no circumstances should any information be released or made available to anyone outside the program without prior written approval by the youth and his parents or guardian (see Appendix B, pages B-8 and B-9, for examples of release of information forms).

Referral and Feedback

Whenever outside referral agencies are utilized as a component of a diversion program, it is necessary to develop referral and feedback forms (see Appendix B, pages B-10 through B-17). These forms serve as a source of information to determine whether an agency accepted a particular referral and whether the youth made contact with the agency to which he was referred. Feedback forms can be designed to elicit information concerning the youth's progress without violating any client-counselor confidentiality. Termination of services either by the youth or the agency can also be reported (see Appendix B, page B-18).

Co-ordinating and Advisory Boards

The Michigan Advisory Commission on Criminal Justice offers sound advice to prospective diversion practitioners when recommending that all diversion programs should have a community board, composed of youth, parents, referring agency personnel, and citizens from the community.[8] This approach helps to insure community involvement and will facilitate feedback to the police department on such potentially controversial issues as due process, records, and eligibility criteria. A community advisory board can serve, in part, to assist with program development and can work on the coordination of referral agencies, including responsibilities associated with participation.

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[8] Michigan Advisory Commission on Criminal Justice, Criminal Justice Goals and Standards for the State of Michigan (Lansing, Michigan: Office of Criminal Justice Programs, 1975), p. A-12 updated effective September, 1977, included as Appendix A to this publication.

As an ongoing component of the diversion program, the board would have a primary responsibility for problem-solving and would be entrusted with overseeing the smooth operation of the diversion program. It is imperative that the community advisory board be permitted to serve in a totally neutral atmosphere with no expectations of blind advocacy for either the police department or any of the referral agencies involved.

Evaluation

The evaluation of a diversion program is a means of measuring the degree to which the program has fulfilled its stated objectives over a given period of time. The evaluation process must begin at the inception of the program to facilitate the collection of base line data. A well constructed evaluation component should consider the collection and analysis of the following information:

1. Nature of the offense--felony, misdemeanor, or status offense
2. Age and sex of the youth
3. Residence--county, township, city, village, or unincorporated area
4. School status--enrolled, dropout, alternative education, or graduated
5. Type of service provided--counseling, job placement, etc.
6. Time committed--how much time was invested on the part of departmental personnel per youth
7. Success of the diversion--feedback from referral agencies and self-reporting follow-up studies from a sampling of the youth and parents
8. Rearrest rates--how many of the youth were rearrested after contact with the program
9. Parental status--married, divorced, separated, foster, etc.

A word of caution should be offered to prospective diversion practitioners. All too often, it has been observed that diversion programs rely solely on rearrest rates to determine the success of a program. Rearrest rates should be a component part of an evaluation, but should never serve as the only criterion by which success is measured. The reason for this statement is that a diversion program may be selecting only low-risk candidates, without considering less sure youths who may need the help more than the program's participants who may have succeeded without any intervention.

TECHNICAL ASSISTANCE

Technical assistance can take many forms, but very simply, what it attempts to do is provide the recipient with skills, knowledge, expertise, or experience in a particular area that the recipient normally does not possess. It should be viewed as a supplement to a specific area of program development rather than as the primary source for total program development. Technical assistance is not designed to accomplish tasks that a local practitioner has the ability to fulfill; however, it can serve well as an effective means of problem-solving.

The Michigan Office of Criminal Justice Programs has developed an excellent source of information on technical assistance in the form of a Michigan Criminal Justice Technical Assistance Resource Directory. The directory lists a wide variety of specialties that encompass virtually all aspects of criminal justice in Michigan. Each resource listed includes agency/consultant contact information, a brief description of services available, and conditions/constraints under which the services are provided; i.e., whether or not assistance is available on-site, and the cost of assistance. For further information regarding the directory, contact:

Greg Gessert
Juvenile Program Specialist
Office of Criminal Justice Programs
Lewis Cass Building
Lansing, Michigan 48909
Telephone: (517) 373-3992

The technical assistance resources listed below are examples of the types of services available as they appear in the resource directory. Examples of local community resources can also be found by referring to Appendix F of this manual.

Agency

Michigan State Police, Juvenile Unit

Access Point

Requests for assistance may be in either written or verbal form, but should be initiated by the Sheriff, Chief of Police, or department director/supervisor. Inquiries should be directed to:

Sgt. Jack Shepherd
Juvenile Unit
Michigan State Police
714 S. Harrison Road
East Lansing, Michigan 48823
Phone: (517) 373-2839

Technical Assistance Offered

The Michigan State Police, Juvenile Unit, will provide assistance in the design, development, improvement, and evaluation of juvenile diversion programming, especially those projects or proposed projects operated by law enforcement agencies. The Unit will also furnish information and material on diversion programs operating throughout the state and country. In addition, the Unit will provide training to Michigan police agencies in the general areas of police-juvenile programming, guidelines for diversion decisions, record-keeping, security/privacy issues, and other related topics.

Conditions and Constraints

Requests for assistance will require a commitment to provide an evaluation of services furnished by the Unit and an agreement to share local data and material with the State Police. On-site assistance is available subject to limited Unit manpower resources. Services are provided without charge.

Agency

Office of Children and Youth Services, Michigan Department of Social Services

Access Point

Inquiries and/or requests for assistance are preferred to be in writing and should be directed to:

Director, Office of Children and Youth Services
Michigan Department of Social Services
Commerce Center Building
300 S. Capitol Avenue
Lansing, Michigan 48926
Phone: (517) 373-0093

Technical Assistance Offered

A wide variety of assistance to youth-oriented programs is available. The programs include, but are not limited to, runaway services, substance abuse, school youth advocacy programs, delinquency diversion, youth employment, attention centers, planning and implementation of community development services, community residential care, and protective services. Specialists within the Office of Children and Youth Services (OCYS) may assist in the planning and development of programs described above, promote and advocate services to youth, and permit inquirers to observe existing programs and review evaluation of such programs.

Conditions and Constraints

OCYS specialists are available on a one- to two-day basis (or longer if needed) without fee. Assistance is available at a variety of locations including the inquirer's site.

Agency

Michigan Association of Youth Service Bureaus (MAYSB)

Access Point

Michigan Association of Youth Service Bureaus
2893 Dixie Highway
Pontiac, Michigan 48055
Phone: (313) 674-4717

Contact: Mr. Harold Johnson

Technical Assistance Offered

The Michigan Association of Youth Service Bureaus can provide limited, free consultation service through member agencies' staff to areas considering the development of youth programming alternatives to probate court processing. The MAYSB includes programs administered by schools, police agencies, nonprofit corporations, and probate courts, and it can provide information on these various operating models. Association programs provide a variety of services including: crisis intervention counseling, work subsidy placement service, short-term counseling, group counseling, referral coordination, program development, volunteer training, youth advocacy methods, and tutoring programs.

The MAYSB can provide assistance in the areas of program evaluation and record-keeping, staff in-service training, program publicity, and proposal funding source assistance.

Conditions and Constraints

Assistance is available free of charge; inquirers will be referred to a member agency staff person with expertise in the area of interest. The availability of on-site assistance and the extent and duration of assistance will depend on the type of the request and location of the site.

Agency

Junior League

Access Point

The Junior League has chapters in six Michigan cities, including:

Birmingham : (313) 646-2613 (123 W. Brown, Birmingham, Michigan 48011)
Detroit : (313) 881-0040 (on Lakeshore Road in Grosse Pointe Farms, Michigan)
Flint : (313) 238-3773 (YMCA Bldg., 310 E. Third St., Flint, Michigan 48502)
Grand Rapids: (616) 451-0452 (1500 Wealthy, Grand Rapids, Michigan)
Lansing : (517) 489-0116 (425 S. Grand, Lansing, Michigan 48933)
Saginaw : (517) 799-4822 (2715 State Street, Saginaw, Michigan)

Inquiries may be directed to the above locations either verbally or in writing.

Technical Assistance Offered

Services available through the Junior League vary from community to community; however, in most areas, the League can provide assistance in the use of volunteers (and furnish volunteers to programs), fund raising (the League may make limited grants available to selected projects), and community organization work. Junior League chapters have special areas of interest which have included learning disabilities (Flint), alternative education (Lansing), juvenile court volunteer programs, child abuse/neglect, juvenile volunteer programs, runaway programs, etc.

Conditions and Constraints

On-site service may be available, and assistance is usually provided without charge.

Agency

Juvenile Service Training Council

Access Point

Initial inquiries and requests for assistance may be either written or verbal and directed to:

Juvenile Service Training Council
6545 Mercantile Way
Lansing, Michigan 48910
Phone: (517) 373-8062

Technical Assistance Offered

The Training Council will provide assistance in determining whether agency problems are related to training and/or systems, etc.; designing and evaluating staff development and training programs; clearinghouse and information center of various existing training programs; and a potential resource of training funds.

Conditions and Constraints

Requests for assistance from subcontractors of the Training Council will receive priority. As time permits, consultation is available to youth-serving agencies. One- to two-day technical assistance can be on-site and is available without fees; more extensive time commitments may be negotiated if time permits. The Training Council's busiest time of the year is June through September, and at that time, consultation would have a low priority.

Agency

Michigan Coalition of Runaway Services

Access Point

Initial inquiries and requests for assistance may be either written or verbal and directed to:

Michigan Coalition of Runaway Services
2843 1/2 East Grand River
East Lansing, Michigan 48823
Phone: (517) 351-9595

Contact: Ms. Vondie Moore or Mr. Mark Bertler

Technical Assistance Offered

The Michigan Coalition of Runaway Services (MCRS) is available to provide a wide variety of services directed at virtually all aspects of runaway programming, including: staff training; budget and program planning; fiscal control methods; interpretation of and compliance assistance with Michigan foster care, shelter care, and small institution licensing regulations; information on runaway programming throughout the state and country; program initiation and development assistance; information systems; and development of improved inter- and intra-community agency co-operation.

Conditions and Constraints

Assistance is available on-site and without charge subject to the demonstration of need and availability of MCRS staff.

FUNDING SOURCES

The availability of funds is a primary concern for anyone interested in developing a diversion program. This presumes that restraints in the existing departmental budget realisticly preclude any consideration for financial support of such an effort. However, if a thorough examination is made of available community resources, volunteers, governmental agencies, and businesses, it may be determined that by organizing this potential support, there may be adequate resources available to accomplish established objectives, rather than requesting outside funding to create something new. Nonetheless, if it is determined that there is a real need for outside funding to facilitate an endeavor, the following information should be of assistance:

Local Funding

If a relatively small amount of financial support is anticipated, local community clubs and organizations can often provide such support. These contacts can also be valuable sources for technical assistance, volunteers, and overall community support for the diversion program.

Federal Funding

Whenever federal funding is being considered, it is recommended that an early liaison be established with the Michigan Office of Criminal Justice Programs. The most practical means of effecting such a contact is through one of OCJP's Regional Criminal Justice Planning Units which are located throughout the state.

These units are responsible for the preparation of a yearly regional/local criminal justice plan, as well as monitoring of OCJP grants in their geographic areas. The staff of the unit will be able to provide timely information relative to the availability and practicality of applying for OCJP funds. Unit staff can also, when appropriate, assist with program development and grant preparation. A directory of Regional and Local Criminal Justice Planning Units appears in Appendix F of this manual.

Private Foundations and Community Trusts

Most foundations are private, nonprofit entities which have been formed by individuals or family groups who contribute assets that earn interest or dividends which are then disbursed for charitable purposes. Unfortunately, most foundations do not contribute to programs covered by public policy or where public money is available. However, there are over 25,000 foundations--including national, family, corporate, and community foundations--that annually award millions of dollars to a wide variety of interests. For this reason and the fact that "nothing ventured is nothing gained," the following publications are offered for those who propose to seek foundation funds:

- The Foundation Directory. The Directory lists over 2,000 private foundations and community trusts across the country with assets of $1 million or annual grants of $500,000 or more. Information is arranged by states, by fields of interest, and alphabetically. Entries include address, donor, date and place of incorporation, financial data, range of grants, and names of officers and trustees. Published annually. Cost: $30. Order from: Columbia University Press, 136 South Broadway, Irvington, New York 10533.

- The Foundation News. The News is the magazine where foundation people talk to other foundation people. It has articles of interest, as well as the Foundation Grants Index in the center section. Published bi-monthly. Cost: $20 per year. Order from: The Foundation News, Box 783, Old Chelsea Station, New York, N. Y. 10011.

- The Foundation Grants Index. This is an annual index which lists grants made by the largest foundations in America. It is a compilation of the lists of grants published in the Foundation News. About 10,000 grants ($5,000 or more) are listed, complete with the amount of the grant, name and location of the recipient, description of the grant, and the grant identification number. Cost: $15. Order from: Columbia University Press, 136 South Broadway, Irvington, New York 10533.

- The Grantsmanship Center News. This is a magazine which deals in-depth with both public and private funding. It includes how-to articles about obtaining grants, writing proposals and planning programs, managing nonprofit organizations, and developing resources. It also gives information about deadlines, new grant programs, etc. Published eight times a year. Cost: $15 per year. Order from: Grantsmanship Center, 1015 West Olympic Boulevard, Los Angeles, California 90015.

Other Funding Sources

There are other state and federal funding sources, such as the Child Care Fund, HEW, the Office of Youth Development, and Title XX. To obtain more information concerning these sources, it is suggested that the reader contact an area Department of Social Services Delinquency Specialist.

Resources for Grant-Writing and Fund-Raising

- Catalog of Federal Domestic Assistance. This catalog explains who's eligible and how to apply for federal assistance. The document is loose-leaf style and is published at the beginning of each fiscal year. Any changes or additions in federal domestic assistance programs are sent to the subscriber during the course of the year. Order from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Cost: $17.

- Money Grubber. A 72-page loose-leaf style manual on the subject of grant and proposal writing. Contains an extensive resource bibliography for grant writers, a pre-proposal planning guide, components of a proposal, sample grant applications, and abstracts on publications, papers, and programs. Order from: P. O. Box 81826, Lincoln, Nebraska 68501.

- Fund-Raisers Tool Box. Order from: Strategists, Inc., 538 Abrego Street, Monterey, California 93940.

- Grants Administration Manual. A loose-leaf manual by the United States Department of Health, Education and Welfare listing all major grant policies. An important document if HEW funding is anticipated. Order from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

- Grantsmanship Center News, The. Order from: The Grantsmanship Center, 7815 South Vermont Avenue, P. O. Box 44759, Los Angeles, California 90044.

- Grantsmanship News. Order from: University Resources, Inc., 160 Central Park South, New York, New York 10019.

- Guide to Grantsmanship for County Officials, A. Order from: National Association of Counties, 1735 New York Avenue, N.W., Washington, D.C. 20006.

- Guide to Successful Grantsmanship, A. Order from: Grant Development Institute, 2040 South Holly, Denver, Colorado 80222.

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Appendix A

DIVERSION OF JUVENILES FROM THE JUVENILE JUSTICE SYSTEM

GOALS AND STANDARDS FOR THE STATE OF MICHIGAN

This appendix contains the revised Goals and Standards for the diversion of juveniles which were adopted on September 28, 1977, by the Governor's Commission on Criminal Justice.

The Commission appointed a subcommittee to study diversion practices within the state of Michigan and to suggest a more viable set of standards. After considerable research, discussion, and staff effort; it was concluded that the standards needed to be totally rewritten.

The subcommittee was comprised of representatives from the Michigan Sheriffs Association, the Michigan Association of Chiefs of Police, the Michigan State Police, the Michigan Coalition of Runaway Services, Juvenile Court Judges, Juvenile Court Administrators, the Parole and Review Board, and the Office of Criminal Justice Programs.

These revised Goals and Standards replace Chapter 1 of the Juvenile Justice Section of the Criminal Justice Goals and Standards for the State of Michigan, published in 1975.

Chapter 1

DIVERSION OF JUVENILES FROM THE JUVENILE JUSTICE SYSTEM

Goal:

To divert those youths from the juvenile justice system, where such diversion will benefit both the youth and the community.

Definition:

DIVERSION CAN TAKE PLACE AT ANY POINT BETWEEN A FORMALLY RECORDED APPREHENSION AND THE FORMAL ACCEPTANCE OF A PETITION BY THE JUVENILE COURT, BUT NOT BEYOND THE POINT OF JUVENILE COURT INTAKE.

DIVERSION OCCURS WHEN, IN LIEU OF FURTHER JUVENILE JUSTICE PROCESSING, ONE OF THE FOLLOWING ALTERNATIVES OCCURS:

1. THE YOUTH IS RELEASED INTO THE CUSTODY OF HIS/HER PARENTS OR GUARDIANS.

2. THE YOUTH VOLUNTEERS TO PARTICIPATE IN A PROGRAM DESIGNED TO MEET HIS/HER NEEDS.

Commentary:

The concept of diversion is not new; it has long been a part of our juvenile justice heritage. The police, prosecutors, and courts have practiced diversion for many years in the sense that an attempt is made to minimize penetration of the offender into the criminal justice system. Nationwide, approximately one half of all juveniles arrested are "warned and released" or are "handled within the department." Police frequently release offenders without arrest; prosecutors, for a variety of reasons, do not always prosecute; and the courts more often than not use alternatives to adjudication. It is a fact that diversion in one form or another is part of our juvenile justice tradition. (Carter and Klein, 1976: xi).

For numerous reasons, there is presently a high level of interest in diversion. Among those reasons are: (1) increasing concern regarding the effectiveness of the juvenile court in dealing with youth problems, (2) an inability of the juvenile court to deal with its case load, (3) the stigmatizing effect the court may have in labeling the offender as a delinquent, and (4) a growing interest on the part of the community to participate in the affairs of its youth.

Diversion is premised on the idea that an excessive number of children are being processed by juvenile courts, that children are unnecessarily referred to juvenile courts, and that in many cases the harm done to children and youth by contacts with these courts outweighs any benefits thereby gained. Moreover, the interaction between child and court and unanticipated consequences of the processing of a child in many instances contributes to or exacerbates the problem of delinquency. (Lemert, 1976: 123).

The definition of diversion incorporates two distinct alternatives to processing of the youthful offender in the juvenile justice system: (1) release of the youth from the juvenile justice system, and (2) release from the system and referral of the youth to a program to meet the needs of the youth.

Diversion can only occur after the youth has formally entered the system and before the petition has been formally accepted by the juvenile court. To include in diversion those youths who are informally warned and released on the street by the police is to "widen the net" and unwisely and needlessly draw in youths who otherwise would not have entered the juvenile justice system. Similarly, those youths who are released after formal acceptance of the petition, but short of adjudication, are not diverted because penetration of the system has been too severe.

It must be remembered that juvenile diversion should be practiced primarily to benefit the youth and only secondarily to benefit the community and the juvenile justice system. Labeling theory holds that processing of a youth in the juvenile justice system frequently results in the labeling of the youth as a delinquent. Such labeling may lead to a stigmatization of the youth whereby the community perceives the youth as a delinquent or the youth has a self-perception as a delinquent. Such a stigma may become a self-fulfilling prophecy in the sense that the youth finds himself in a cycle of delinquent behavior, as a result of his having been labeled a delinquent.

Recidivism rates in the juvenile justice system have in some cases been high, especially among institutionalized youth. The incarcerated youth's perspective of the system indicates that often he views it as punitive rather than benevolently rehabilitative. Institutionalization has been a traditional method of dealing with misdemeanant and felonious youth. The effects of institutionalization indicate the need in some cases to develop community-based diversion programs for youth. Community-based programs often minimize the risk of creating barriers to reintegration and provide youth with effective rehabilitative programs rather than custodial care. (Vinter, 1967: 89).

Current trends indicate the need to promulgate new standards. Diversion programs are positive alternatives for some youthful offenders, yet they presently lack appropriate guidelines and structural policies.

The effectiveness of diversion programs is not clearly understood or proven at this time and, therefore, many of the standards presented are general in nature and should be directed toward establishing a unified and structured method for diversion. Structured programming will allow for evaluation of such programs to determine their effectiveness.

13. DIVERSION PROCEDURES

Sub-Goal:

To establish procedures and guidelines for the diversion decision to assure that diversion is used when its positive effects outweigh processing the case through the juvenile justice system.

Sub-Goal Commentary:

Diversion can occur at various levels of the juvenile justice process, which include: police, prosecutor, and court intake. Traditionally, most diversion has occurred at the police level. Police agencies in Michigan divert the majority of apprehended juveniles out of the system; however, many juveniles are diverted without any provision of service or follow-up. This type of diversion is not always appropriate and often serves no real purpose. Diversion practices must become formalized and structured in order to determine their effectiveness and to insure equality in application.

Procedures must be developed by agencies using diversion in order to coordinate the diversionary effort to achieve the maximum benefit for the affected youth and the community. Diversion procedures should include the establishment of written policies and methods for handling youths and a system to coordinate relationships among cooperating agencies. The procedures should clearly outline the objectives of diversion, the process involved, and the criteria to determine eligibility for individual offenders for diversion. The procedures must be written and available to insure that all participants, including all agency personnel and offenders, have a clear understanding of how the diversion process functions.

Most juvenile justice agencies do not have specific policies on diversion and, thus, do not know what action, if any, is taken when a juvenile is diverted. Policies and procedures will create some uniformity in the diversion process and give the referring agency feedback concerning the results of the diversionary action. Referring agencies should involve other community agencies in developing diversion practices. All agencies involved in the process should supply the originating agency with feedback concerning the action taken and an evaluation of the case.

One area particularly applicable to the diversionary process is that of juvenile status offenses; i.e., those offenses which would not be considered criminal if the person were an adult. These include truancy, runaway, curfew violation, incorrigibility, etc. These categories have been ambiguous. The definitions have lacked clarity, and action taken by the juvenile justice system has allowed for an enormous amount of individual discretion. Law enforcement officers should refer status offenders to youth-serving agencies other than the court (unless no other community services exist or all available services have been exhausted).

Standards:

13.1 Police, schools, prosecutors, and courts, along with other youth-serving agencies, should cooperate in developing procedures and criteria for diversion. All active participants in a diversion and referral operation should agree to the established procedures.

13.2 These diversion procedures and criteria should be written and available to the public.

13.3 Diversion policies and procedures should allow for processing mentally ill and mentally retarded persons who come to the attention of the agencies. The policies and procedures should be developed in cooperation with mental health agencies and the courts, and should provide for referral of those persons in need of professional assistance, but who are not detained.

13.4 Explanation of the facts and reason for the diversion should be given to the youth and the parent or guardian.

13.5 When a decision is made to divert a case out of the juvenile justice system, no further legal action should be taken for that offense.

13.6 If a coordinating agency exists in the community for diversion referrals, referrals should be made through it.

13.7 Referring agencies should consider high risk cases for diversion. Such cases should include individual consultation with the appropriate professionals, including court caseworkers, psychologists, law enforcement officers, prosecutors, etc., to determine the advisability of diversion.

Implementation Strategy:

Local communities should develop an ongoing coordinating body to develop and implement policies and procedures for diversion. Courts, police, prosecutors, and all potential referral agencies, both public and private, should be involved to assure cooperation in this development and implementation. At the state level, legislation should be introduced which provides a sound legal base for the diversion process.

14. CRITERIA AND GUIDELINES FOR DIVERSION

Sub-Goal:

To establish criteria to use as guidelines in making diversion decisions in a uniform and consistent manner.

Sub-Goal Commentary:

There are many different ways diversion decisions are currently being made throughout the State. Some of these diversionary decisions are made on a very informal basis while others are made with prescribed criteria. The most frequent users of diversion and diversion with referral are the police, schools, and juvenile courts. In order for diversion to function effectively, criteria should be developed and written to aid in making the diversion decision in individual cases.

To achieve structure in diversion action, there must be criteria to use as guidelines in deciding which cases should be diverted. If there are no criteria for diversion, the process will be ineffective and inequities will surface in the decision-making process. Criteria must be established for all agencies using diversion regardless of their administration or association with the juvenile justice system.

The criteria for the diversion decision should be specific enough to insure that the decision does not reflect the personal prejudices of the person making the decision. Once the procedures for handling diverted youth have been developed for intra- and inter-agency use, it is then necessary to develop criteria to be used in deciding which youths are eligible candidates for diversion. The criteria should be written and available to involved parties to insure uniform application of the diversion process within each community.

Standards:

14.1 Diversion is appropriate when there is a substantial likelihood that a conviction can be obtained and the community and the youth would benefit from diversion. When there is less than a substantial likelihood of conviction, the youth should be released without prosecution or diversion.

14.2 Diversion should be a voluntary process. An accused youth who requests adjudication should be processed to the juvenile court.

14.3 Status offenders should be priority candidates for diversion.

14.4 Each decision-making agency should develop written DIVERSION DECISION CRITERIA which address each of the following factors:

a. NATURE OF THE OFFENSE

Commentary: Criteria should address aspects surrounding the offense:

1. The seriousness of the crime;
2. The degree of bodily harm inflicted by the offender on self or others;
3. The degree of criminal sophistication utilized in the commission of the crime, such as the use of burglary tools, premeditation, and the use of a weapon or strongarm tactics;
4. Time of day (If the delinquent act occurred at a time of day when the youth would normally be home, this may indicate poor supervision and a lack of parental responsibility);
5. The desire of the victim/complainant to prosecute.

b. AGE OF THE OFFENDER

Commentary: Intellectual and emotional maturity do not progress hand-in-hand with chronological age and, therefore, some youth of 16 might be very immature while others at 14 or 15 would show much greater maturity. Among the very young, the offense may be an impulsive act without great significance, or it may be a danger signal and a "cry for help." Although the age of the offender plays an important part in any decision to divert, age alone should not be the sole criterion for such a decision.

c. NATURE OF THE PROBLEM WHICH LED TO THE OFFENSE

Commentary: In many cases, the commission of the offense is motivated by emotional, psychological, physical, or educational problems. Such knowledge of the juvenile's need for professional assistance with social/personal problems should be a deciding factor in the decision to divert.

d. A HISTORY OF CONTACTS OR THE USE OF PHYSICAL VIOLENCE

Commentary: A review should be made to determine the contacts a youth may have had with official agencies of the juvenile justice system. The review should determine if the youth is a recidivist, if previous efforts to rehabilitate the child nonjudicially have failed, or if the child has a history of the use of physical violence in the offenses committed.

e. CHARACTER OF THE OFFENDER AND HISTORY OF BEHAVIOR IN SCHOOL, FAMILY AND PEER GROUP SETTINGS

Commentary: A study of the character of the youthful offender should be conducted and should include such factors as: the youth's school performance; family characteristics, such as parental harmony and sibling relationships; physical characteristics, such as mental or physical illness or disabilities; maturity of the youth; the youth's relationships with peers, including gang membership; responsibility of the youth, such as employment or job training; and evidence of drug or alcohol use or abuse.

The character study must be objective and nonjudgmental. Subculture life-styles, truculence, sullenness, posture, gestures, race, and sex should not be allowed to influence the character study and the ultimate decision to divert. (Kobetz and Bosarge, 1973: 87-91, 249-250).

Diversion Criteria Commentary:

Written agency criteria should incorporate all of the above factors. Those responsible for using the agency criteria to determine a youth's eligibility for diversion should carefully integrate all of the criteria into the decision process and carefully avoid allowing any one factor to influence the decision. Any decision to divert involves a certain amount of risk-taking on the part of the referring agency. The agency should be willing to assume such a risk if the decision has been made after careful application of agency criteria.

Implementation Strategy:

The local coordinating bodies shall develop criteria for diversion based on the above standards. Each agency cooperating in the diversion process shall adopt written internal policies implementing these criteria.

15. DIVERSION PROGRAMS

Sub-Goal:

To provide appropriate programs to those youths in need of service who have been diverted from the juvenile justice system.

Sub-Goal Commentary:

Local community youth-serving agencies are a necessary link in the diversion process. In recent years, local agencies that serve youths who have been diverted from the juvenile justice system have had an impact on reducing further delinquent behavior on the part of their clients. By accepting referrals from the juvenile court and the police, these agencies have the opportunity to provide help to the young offender in lieu of the formal acceptance of a petition by the juvenile court. For many young offenders, these services are more appropriate than court processing because: (1) they typically use paraprofessionals, as well as professionals, drawn from the same community as the youth; (2) they use crisis intervention techniques that substitute immediate short-range aid for the long, cumbersome procedures of the traditional judicial system; and (3) they use problem-solving techniques rather than determination of guilt. (Nejelski, 1976: 99).

Often, programs that are actually prevention programs for non-offenders are inappropriately called diversion programs because they focus on a population that has been labeled "pre-delinquent." The distinction between diversion and prevention is important because a program is diversionary only to the extent that it is utilized as an alternative to juvenile court processing. However, a diversion program should provide prevention services by accepting self-referrals and having an open-door policy that extends to all community youth.

Diversion services in Michigan are varied and include: police programs, court programs, youth service bureaus, runaway houses, shelter care facilities, alternative schools, employment services, etc. (This is not meant to include informal probation or consent decree procedures.) Each community must determine what range of services is needed to meet the identified needs of its youth population.

One problem common to diversion programs is acquiescing in the face of pressure to accept clients beyond their initial client population because of initial program successes. Programs should accept clients who meet stated criteria and not bend the program to fit the needs of all possible clients. If a program feels the need to provide service to a broader group of clientele, the program should do an impact study of the effects of the "new" clients on the success of the program and its ability to provide services to its "old" client population.

Regardless of the range of direct service provided in a community, each diversion service program must include the following elements: be voluntary, have procedures for accepting referrals, have an identified target population, provide feedback to the referral source, be community-based, have community support, be structured to function independently of the juvenile justice system, and be accessible to the client population.

In addition to direct services, a central coordinating agency should be established. This type of agency should receive all referrals from the police and courts, should determine what services the referred youth requires, and should act as a service broker with local agencies to obtain the needed service.

In urban areas where there are already many services available, a coordinating agency can minimize the danger of a youth "getting lost" in the service delivery system. In rural areas where few services presently exist, a central coordinating agency should have as its prime objective the establishment of new services to meet community needs.

Diversion services are in need of an ongoing source of funding. Public funds should be the primary source of funding, supplemented by and coordinated with private resources.

Standards:

15.1 Participation by youths in programs should be voluntary.

15.2 Diversion programs should be established to focus on the special problems of youth in the community.

15.3 All diversion programs should have a community board, composed of youth, parents, referring agency personnel, and citizens from the community. Public agency boards should be advisory; private agency boards should be supervisory.

15.4 Administrative and policy guidelines and evaluation criteria should be carefully drawn to insure the independence and separate identity of each diversion program.

15.5 Every diversion program should specify in writing its objectives, specifically addressing: what particular client population will be served; what services will be available; and what the anticipated outcome will be.

15.6 Each program should develop evaluation criteria, preferably quantifiable, based on the program's objectives.

15.7 Each program should develop written policy and procedures to cover internal processing and service delivery to clients.

15.8 Diversion programs should make periodic written status reports to the referring agency on each case, to include intake, progress, and closure reports.

15.9 Programs should be adequately staffed with personnel who have the necessary skills to implement the program objectives.

15.10 Agencies should not co-mingle youth and adult offenders in the same programs.

15.11 Services should be accessible by location, hours of service, style of delivery, and intake procedures.

15.12 Diversion programs should develop reciprocal agreements with a variety of services such as: vocational, educational, employment, recreational, medical, and behavioral.

15.13 Diversion program staff should not initiate legal action except when either a crime has been committed against the staff or agency, or in child abuse/neglect cases.

15.14 The State should develop policy and appropriate ongoing funding to support diversion programs.

15.15 The State should be responsible for developing the capability for providing a full range of diversion services within each community.

Implementation Strategy:

The local coordinating bodies should be responsible for the planning, development, and coordination of diversion programs in each community.

Each program board shall be responsible for implementing the above standards for its program.

State legislation should be enacted to develop and fund diversion programs and provide technical assistance to those programs in counties and groups of counties throughout the State.

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Appendix B

JUVENILE DIVERSION FORMS

A representative sample of forms which may prove useful in setting up and operating a police-juvenile diversion program has been included in this appendix. The authors gratefully acknowledge the agencies who have allowed us to use these forms as examples.

Contents:

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(Sample Prosecutor's Request for Court Approval of a Police Diversion Program)

MOTION

COMES NOW THE STATE, by and through its Criminal District Attorney, and requests the Court to approve the plan submitted by the Dallas Police Department, entitled Juvenile Policies and Procedures, dated August 24, 1973. The Juvenile Section of the District Attorney's Office feels that the child and the community's best interest would be served if this plan were enacted. This plan conforms with Title Three of the New Family Code.

Respectfully submitted,

HENRY WADE
CRIMINAL DISTRICT ATTORNEY
DALLAS COUNTY, TEXAS

By: ________________________
JOAN BLANSCET

____
DeALVA MILLER

ASSISTANT DISTRICT ATTORNEYS
DALLAS COUNTY, TEXAS

PAGE SOLO

(Sample Court Order Approving a Police Diversion Program)

ORDER

BE IT REMEMBERED, that on this ______________ day of ______________, 1973, came on to be heard the Motion of HENRY WADE, Criminal District Attorney of Dallas County, Texas, and the Court after studying the plan submitted by the Dallas Police Department entitled Juvenile Policies and Procedures, dated August 24, 1973, finds that the child and the community's best interest would be served if this plan were followed by the Dallas Police Department.

Further, the Court finds that the plan conforms with the requirements of Title Three of the New Family Code.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that this plan has been accepted by the Juvenile Courts of Dallas County, Texas.

____
JUDGE TED Z. ROBERTSON
JUVENILE COURT NUMBER TWO

____
JUDGE LEWIS F. RUSSELL
JUVENILE COURT

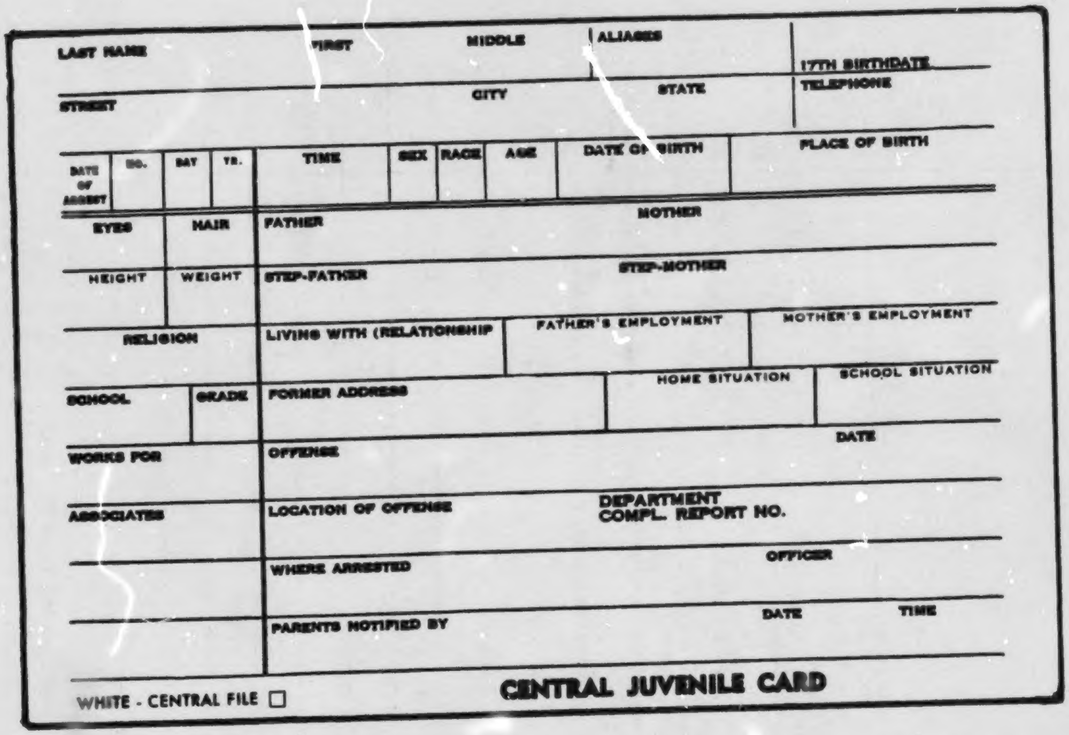
APPROVED AS TO FORM:

____
DOUG MULDER
FIRST ASSISTANT DISTRICT ATTORNEY

____
GEORGE LOONEY
CHIEF PROBATION OFFICER

PAGE SOLO

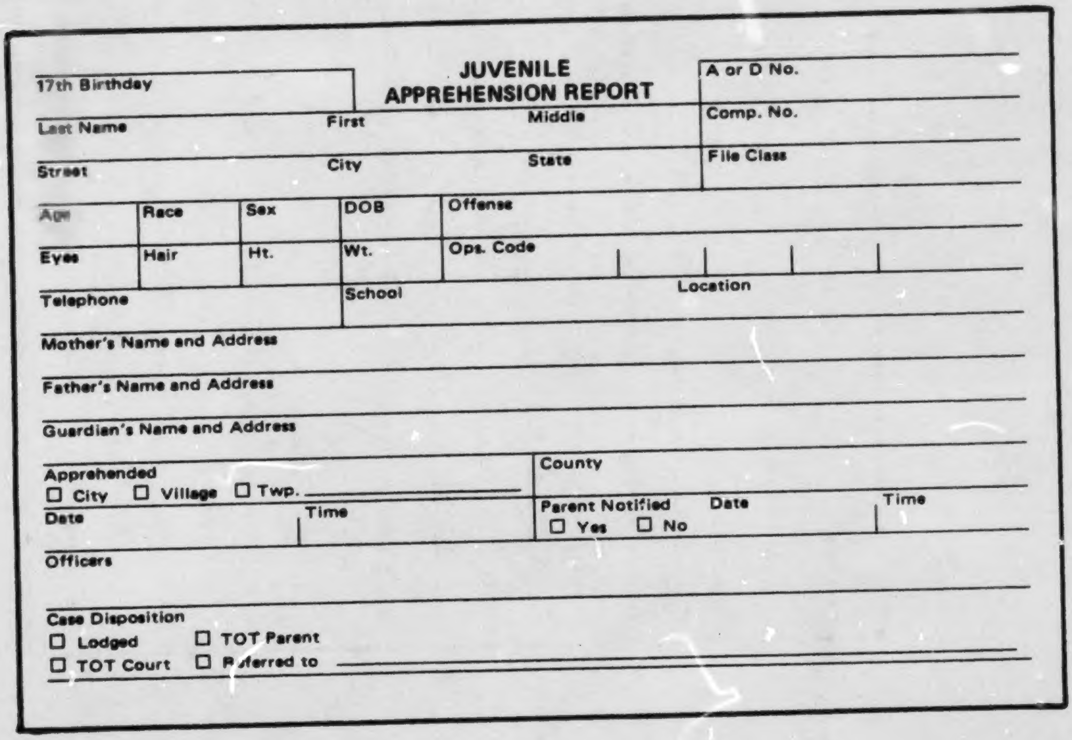
(Sample Juvenile Apprehension Records)



LAST NAME FIRST MIDDLE | ALIASES | 17TH BIRTHDATE
STREET CITY STATE | TELEPHONE
DATE OF ARREST | MO. | DAY | YR. | TIME | SEX | RACE | AGE | DATE OF BIRTH | PLACE OF BIRTH
EYES | HAIR | FATHER MOTHER
HEIGHT | WEIGHT | STEP-FATHER STEP-MOTHER
RELIGION | LIVING WITH (RELATIONSHIP | FATHER'S EMPLOYMENT | MOTHER'S EMPLOYMENT
SCHOOL | GRADE | FORMER ADDRESS | HOME SITUATION | SCHOOL SITUATION
WORKS FOR | OFFENSE DATE
ASSOCIATES | LOCATION OF OFFENSE DEPARTMENT COMPL. REPORT NO.
WHERE ARRESTED OFFICER
PARENTS NOTIFIED BY DATE TIME

WHITE - CENTRAL FILE ☐

CENTRAL JUVENILE CARD

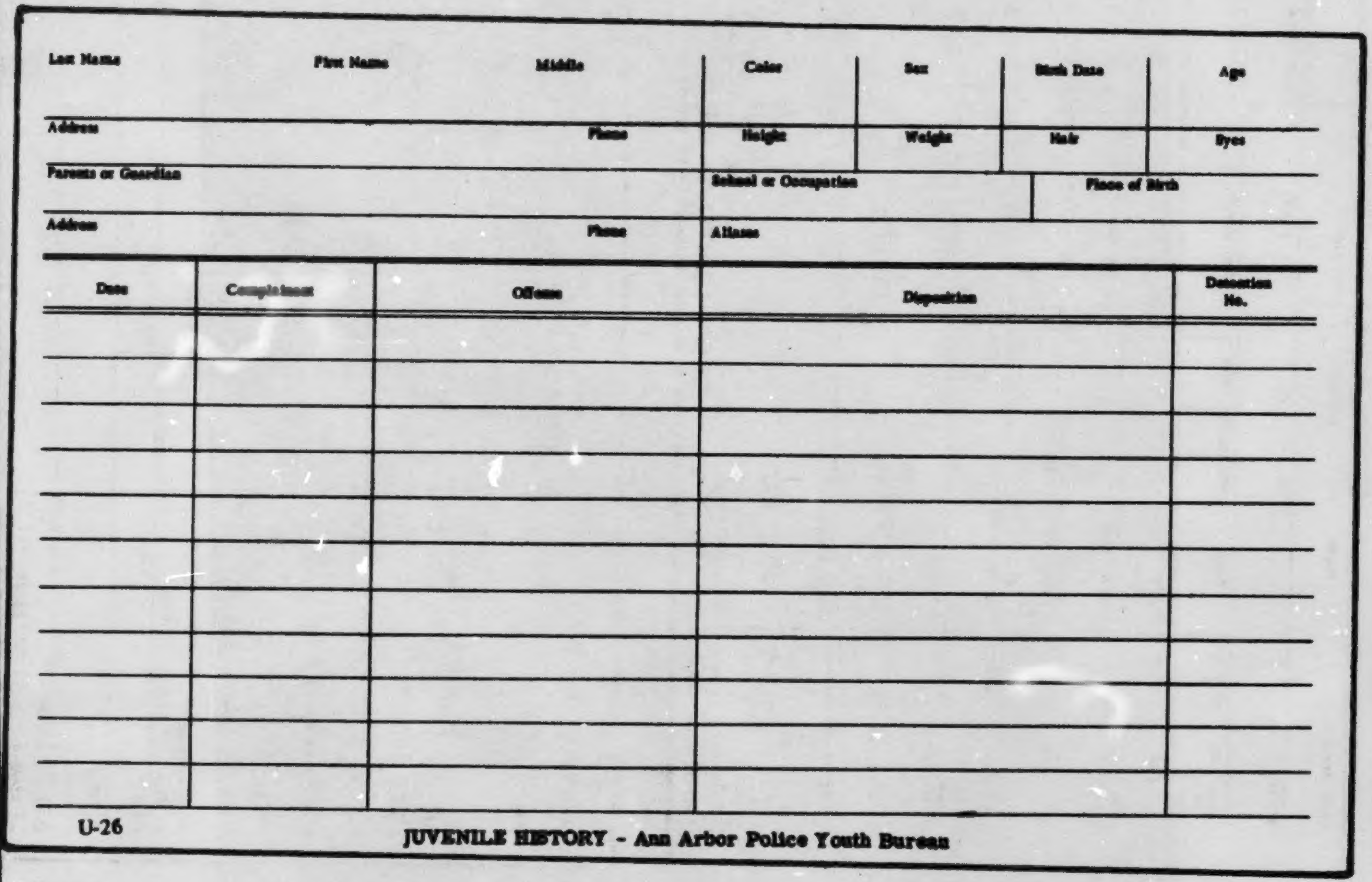


17th Birthday

JUVENILE
APPREHENSION REPORT

A or D No.
Comp. No.
File Class
Last Name First Middle
Street City State
Age | Race | Sex | DOB | Offense
Eyes | Hair | Ht. | Wt. | Ops. Code
Telephone | School Location
Mother's Name and Address
Father's Name and Address
Guardian's Name and Address
Apprehended ☐ City ☐ Village ☐ Twp. ____ | County
Date | Time | Parent Notified ☐ Yes ☐ No | Date | Time
Officers
Case Disposition
☐ Lodged ☐ TOT Parent
☐ TOT Court ☐ Referred to ____

(Sample Juvenile History Record Card)



Last Name First Name Middle

Color

Sex

Birth Date

Age

Address Phone

Height

Weight

Hair

Eyes

Parents or Guardian

School or Occupation

Place of Birth

Address Phone

Aliases

Date	Complainant	Offense	Disposition	Detention No.

U-26

JUVENILE HISTORY - Ann Arbor Police Youth Bureau

(Sample Parent Notification Form)

BLOOMFIELD TOWNSHIP POLICE DEPARTMENT
COMMUNITY YOUTH RELATIONS SECTION
4200 Telegraph Road
Bloomfield Hills, Michigan 48013
MI. 4-5555

Dear Parent(s):

A complaint has recently been brought to the attention of the Bloomfield Township Community Youth Relations Section concerning your child, alleging

____

____

____

Consequently, an appointment has been made for ______________
______________________________ at ______________
______________________________ to determine the best course of action resolving this.

It is necessary for at least one parent to accompany your youngster. If you cannot appear at the scheduled time and date, please contact this office.

Thank you.

Sincerely,

Community Youth Relations Section

B-8

(Sample Release of Information Form)

CITY OF TAYLOR
SPECIALIZED YOUTH UNIT

22655 WICK RD.
TAYLOR, MICHIGAN 48180
292-6450

To:

Re:

The parents of the above child have consulted us regarding difficulties their child is having. Below is a release from the parents for the following information:

____

____

Would you please forward this information to me as soon as possible. Thank you for your cooperation in this matter.

____
Youth Service Worker
Specialized Youth Unit

- -

CITY OF TAYLOR
SPECIALIZED YOUTH UNIT

22655 WICK RD.
TAYLOR, MICHIGAN 48180
292-6450

I hereby give permission to: ______________________

to release information concerning: __________________

to: ______________________.

Signature: ______________________ (______________)
Relationship

Date: ____________________

(Sample Release of Information Form)

AUTHORIZATION FOR RELEASE OF CONFIDENTIAL INFORMATION

RE: ______________________ ADDRESS: ____________________

PHONE: ____________________ CITY: ______________________

DATE OF BIRTH: ____________

TO WHOM IT MAY CONCERN:

The undersigned authorizes any school, physician, dentist, agency or other individual to provide the Youth Advisor, Pontiac Police Department, with information or any written reports or material in your possession concerning ourselves and/or the above named person.

____
(Name)

____
(Date)

(Sample Diversion Referral Agreement)

YOUTH SECTION
PONTIAC POLICE DEPARTMENT
ACTION AGREEMENT

I HEREBY GIVE MY CONSENT TO HAVE MY CHILD, ____________________, PARTICIPATE IN THE JUVENILE REFERRAL PROGRAM OF THE YOUTH SECTION. I WILL COOPERATE IN EVERY WAY POSSIBLE WITH ACTIVITIES CONCERNING AND RECOMMENDATIONS FOR MY CHILD. I UNDERSTAND THAT THE JUVENILE REFERRAL PROGRAM IS COMPLETELY VOLUNTARY AND THAT THERE IS NO CHARGE FOR MY CHILD'S PARTICIPATION IN THE PROGRAM. I FURTHER UNDERSTAND THAT THE JUVENILE REFERRAL PROGRAM IS NOT A PROBATION PROGRAM AND IS STRICTLY INTENDED TO HELP COUNSEL MY CHILD.

I HAVE DISCUSSED THE JUVENILE REFERRAL PROGRAM WITH PERSONNEL AT THE YOUTH SECTION AND AGREE TO COOPERATE IN THE FOLLOWING ACTIONS: ____

____

____

____

I FURTHER CONSENT TO COOPERATE WITH THE PERSONNEL OF THE YOUTH SECTION IN FUTURE PROGRAMS TO ASSIST MY CHILD, IF SUCH ACTION IS DEEMED ADVISABLE AT A LATER DATE.

______________________________ ____________________
PARENT'S SIGNATURE DATE

____
PARENT'S NAME (TYPED OR PRINTED)

______________________________ ____________________
YOUTH ADVISOR'S SIGNATURE DATE

UD-13 (2-78)
3 Copies:
Original – Retained
1st Copy – Referral Agency
2nd Copy – Parent

(Sample Diversion Referral Agreement)

DIVERSION REFERRAL AGREEMENT

I hereby give my consent to have my child, ______________________________, participate in the Diversion Referral Program. I understand that the Diversion Referral Program is completely voluntary and that this agreement waives the right of my child to adjudication in the Probate Court for the offense for which he was apprehended by the police. I further understand that the Diversion Referral Program is not a probation program and that the police will not prosecute my child for the offense for which he was apprehended. It is my understanding that this program is strictly intended to help my child.

Child's Signature ______________________________

Parent/Guardian's Signature ______________________________

This section to be completed by agency requesting diversion referral.

Referring Agency ______________________________ Date of Referral ______________

____

____

Referring Person ______________________________

Client's name ______________________________ Phone ______________

Address ______________________________

Age ________ School ______________________________ Grade ______________

Parent/Guardian ______________________________

Address (If different) ______________________________

Agency Referred to ______________________________ Phone ______________

Agency Address ______________________________

Agency Contact Person ______________________________

- -

(Detach Here)

This section to be completed by service delivery agency and returned to referring agency.

Referral Agency is requested to complete section below (after client's first appointment or within a month of receipt) and return to ______________________________

Referred Person ______________________________

______ Kept first appointment

______ Will be provided services

______ Will not be provided services (______ Refused services ______ Not appropriate)

______ Has not made first appointment

______ Made first appointment but did not keep it

Signature of Agency Contact Person ______________________________

Date ______________________________

(Sample Referral Form)

AGENCY REFERRAL FORM

Referring Agency: Greece Police Youth Division
2984 Dewey Avenue
Rochester, New York 14616 (716-225-3180)

Referring Counselor: ______________________________

Date of Referral: ____________________

Client's Name: ______________________________

Address: ____________________ Phone: __________

____

Age: ______ Grade in School: ________

School Attending: ______________________________

Parents Name: ______________________________

Parents Address (if different from above): ______________

____

Agency Referred to: ______________________________

Address: ____________________ Phone: __________

____

Agency Contact Person: ______________________________

Referral Agency is requested to complete section below (after client's first appointment or within a month of receipt of this form) and return form to Greece Police Youth Division.

Referred Person:

- ☐ Kept first appointment
  - ☐ Will be provided services
  - ☐ Will not be provided services (did not wish to receive services or was not appropriate for services of this agency)
- ☐ Has not made first appointment
- ☐ Made first appointment but did not keep appointment

Signature of Agency Contact Person: ______________________

Date: ______________________________

(Sample Referral Form)

REFERRAL OF JUVENILE[a]

DATE: ____________

FROM: ________________ POLICE DEPARTMENT JUVENILE DIVISION

TO : ____

____

SUBJECT: __________________________ BORN : ____________

ADDRESS: __________________________ PHONE: ____________

FATHER : __________________________ PHONE: ____________

ADDRESS: ____

MOTHER : __________________________ PHONE: ____________

ADDRESS: ____

NEW REFERRAL ______________________

ACTIVE ______________________

Enclosed are copies of the police reports on the above named subject. After investigation by the Juvenile Bureau of the ______________ Police Department, it is the opinion of this division that ____

____

____

____

The above confidential information is being forwarded to you to be used in the best interests of the above child, his family, his community, and their future welfare.

____

Juvenile Bureau
Police Department

Reference:
Case No. ____________________

---

[a] Normand Gomolak, Missouri Police Juvenile Officer's Manual Guide (Columbia, Mo.: Missouri Council on Criminal Justice, 1975), p. 64.

(Sample Short Referral Information Form)

SHORT REFERRAL FORM

FOR USE BY SMALL AND MEDIUM-SIZE POLICE DEPARTMENTS

Name of Client: ____________________

Address: ____________________ Date of Birth: __________

Telephone: ____________________ Currently living with:

Parent/Guardian: ____________________

☐ Mother ☐ Father

Address (if different): ____________________

____

☐ Self ☐ Relatives

Names and Ages of Siblings: ____________________

____

☐ Friends ☐ Group Home

____

☐ Other __________

School Attending: ____________________

Employed by: ____________________

This youth has been referred to you for assistance because __________

____________________.

We hope that you can provide ____________________

____________________ for him.

The police officer to contact: ____________________ Telephone:__________

if this is inappropriate, or if there is any other problem with this referral.

(Sample Long Referral Information Form)

LONG REFERRAL FORM

FOR USE BY LARGER POLICE DEPARTMENTS

Name of Client: ______________________ Date of Birth: ________

Address: ______________________ Currently living with:

____

☐ Mother ☐ Father

Telephone: ______________________

Parent/Guardian: ______________________ ☐ Self ☐ Relatives

Address (if different): ______________

______________________ ☐ Friends ☐ Group Home

☐ Other ____________

____Attending Junior or Senior High School

Name of School: ______________ Teacher: ______________

____Employed ____Part-time ____Full-time

Name of Employer: ______________________

Address: ______________________

Telephone: ______________ Supervisor: ______________

Members of Current Household:

Name	Relationship	Age

(Continued on reverse side)

B-16

If juvenile is living with or being supported by parents:

Father's Occupation: ____________ Mother's Occupation: ____________

Employer: ____________________ Employer: ____________________

Address: ____________________ Address: ____________________

____________________ ____________________

If unemployed, check one of the following:

____Unemployment Compensation ____Social Security

____A.F.D.C. ____General Relief

____Pension ____Other ____________________

____________Medicaid Number (if applicant has one)

This juvenile is currently receiving services from:

Name of Agency	Name of Worker

This juvenile has been referred to you because he/she needs the following services:

____

____

____

____

____

The police officer to contact: ______________ Telephone: ________ if this is inappropriate, or if there is any other problem with this referral.

(Sample Referral Card)

CARD TO BE GIVEN TO THE JUVENILE[a]

Date Time

of Appointment

Name of Agency

Address of Agency

Name of Worker To Be Seen

Telephone:

If you cannot keep your appointment, please contact your worker to reschedule your appointment.

---

[a] This card should be small enough to put in a wallet. It should be of cardboard, and directions to the agency should be attached to it.

B-18

(Sample Termination Report)

TERMINATION REPORT

1. Client Name: ______________________ 2. Client I.D.#: ____________

3. Counselor: ______________________ 4. Termination Date: ________

5. Date of Referral to Greece Police Youth Division: ______________

6. (a) Number of Counseling Session Contacts with Client: ________

(b) Number of Counseling Session Contacts with Collateral: ________

(c) Number of Recreation Contacts with Client: ________

(d) Number of Course Instruction Contacts with Client: ________

(e) Number of Other Contacts with Client (tutoring, semiformal courses, etc.): ________

(f) Total Program Contacts: ________

(g) Number of Contacts Client Had with Other Service Agencies: ________

7. Reason for Termination:

☐ Service plan completed:

☐ Minimal Success ☐ Moderate Success ☐ Definite Progress

☐ Recommendation of Staff: Service Incomplete

☐ Client Withdrawal: Service Incomplete

☐ Moved Out of Area

☐ Other, Specify: ______________________________

8. Client has agreed to be contacted for 6-month follow-up:

☐ Yes ☐ No

9. Client has agreed to fill out questionnaire on his perception of the program:

☐ Yes ☐ No

10. Narrative Assessment (client progress, likelihood of further need for services, etc.):

____

____

Signatures: Referral Counselor: ______________________

Project Director or Services Coordinator: ______________________

Appendix C

MICHIGAN STATE POLICE DIVERSION POLICY

OFFICIAL ORDER NO. 31

This appendix contains Official Order No. 31 which is the juvenile policy of the Michigan State Police. One part of this Order is the diversion policy and procedure which is utilized by the State Police when processing youthful offenders. The Order has been revised to reflect the research and study of the authors of this manual. This policy is the operationalization of the recommendations of this manual and is included here to guide practitioners and others in the development of police diversion policy.

The Michigan State Police serves the state of Michigan with full police powers through 63 posts located throughout the state. A post community services officer works at each post and serves as the "diversion officer," along with other community service responsibilities. Each post functions as a separate police entity and provides full services to the population which it serves. The juvenile policy for the State Police, therefore, has direct transferability to local police departments.

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ORDER NO. 31

MICHIGAN STATE POLICE
OFFICIAL ORDER

February 5, 1978

SUBJECT: Youth Policy and Procedure

TO: Members of the Department

The purpose of this order is to coordinate and formulate uniform procedures for handling youth matters and the enforcement of the law relating thereto.

1. POST COMMANDER'S RESPONSIBILITY

It is the responsibility of the post commander of each post to insure compliance with this order. The post commander will utilize the post community services officer (PCSO) and the resources of the district community services coordinator to fulfill this responsibility.

2. INVESTIGATING OFFICER'S RESPONSIBILITIES

All departmental members have the responsibility to properly investigate complaints involving youth when there has been a violation of criminal laws or the juvenile code. The investigating officer shall have responsibility for the juvenile areas outlined below, as established within this order.

A. Taking custody of a youthful offender.

B. Removal of a youthful offender from school.

C. Youthful offender of the opposite sex from the investigating officer.

D. Notification of parents, guardian, or custodian.

E. Interviewing the youthful offender.

F. Release to the custody of parents or guardian.

G. Detention at a youth home.

H. The juvenile apprehension report.

I. Screening cases for diversion eligibility.

J. Referring cases to the probate court.

K. Fingerprints and photographs of youth.

L. Polygraph procedures for youths.

M. Juvenile record procedures.

N. Abused and neglected children.

3. POST COMMUNITY SERVICES OFFICER'S (PCSO) RESPONSIBILITIES

A. Application of Diversion Criteria

It will be the responsibility of the post community services officer to apply the diversion criteria found in Section 18 of this order to all youthful offender cases eligible for diversion consideration which are referred to him by investigating officers. The following procedures will be used:

(1) The post community services officer will review the case and conduct an investigation of the youth and the case sufficient to satisfy all five diversion criteria factors found in Section 18. In many cases, it will be necessary to have the youth in for an interview to facilitate the background investigation.

(2) The post community services officer will arrive at a decision as to whether the youth will be offered diversion.

  a. If the decision is made to petition the youth, the procedures found in Section 13 (Referring Cases to Probate Court) will be followed.

  b. If the decision is made to divert the youth from the juvenile justice system, the procedures found in Section 19 (Diversion Procedures) will be followed.

B. Diversion Referral Program Coordination

It will be the responsibility of the post community services officer to be knowledgeable about available diversion referral services in the post community and to establish working relationships with these programs. The following coordination guidelines will be used with diversion referrals:

(1) The post community services officer, in cooperation with the district coordinator, will identify community resources which may be used for diversion referrals and determine, in cooperation with the agency, the types of cases which the agency is capable and willing to accept. Such agencies as the Department of Social Services, the Department of Mental Health, Big Brothers/ Sisters, runaway programs, educational programs, drug treatment programs, etc., may be used.

(2) The post community services officer will use the Diversion Referral Agreement (UD-13) for referral of diverted youths to service delivery agencies and to facilitate feedback for assessing the success of the referral.

(3) The post community services officer should encourage and participate in an advisory committee composed of citizens, law enforcement personnel, and referral agency personnel to insure ongoing coordination of diversion referral procedures and to encourage the creation of needed community referral agencies.

(4) The post community services officer will evaluate referrals in terms of successful completion of the diversion program by the referred youth to determine the success or failure of the post diversion process.

C. Monitoring Cases Referred to the Juvenile Court

It will be the responsibility of the post community services officer to monitor all cases referred to the juvenile court.

(1) All official court matters regarding the youth will be channeled through the post community services officer; however, the criminal investigation will be completed by the investigating officer.

(2) Post community services officers are to remain current on juvenile court proceedings in their post areas and keep all post personnel advised.

4. TAKING CUSTODY OF A YOUTHFUL OFFENDER

A. Section 14 of Chapter 712A of the Compiled Laws of 1970, as amended, provides police officers with the authority to take into custody a youth who is found violating the law. The word "found" is an all-inclusive word that may lead to misinterpretation and in the interest of conformity, it shall be the policy of the department to apply the law of arrest as found in Section 764.15 of the Compiled Laws of 1970, as amended, which reads as follows:

"Section 15. A peace officer may, without a warrant, arrest a person in the following situations:

(a) When a felony or misdemeanor is committed in the peace officer's presence.

(b) When the person has committed a felony although not in the presence of the peace officer.

(c) When a felony in fact has been committed and the peace officer has reasonable cause to believe that the person has committed it.

(d) When the peace officer has reasonable cause to believe that a felony has been committed and reasonable cause to believe that the person has committed it.

(e) When the peace officer has received positive information by written, telegraphic, teletypic, telephonic, radio, or other authoritative source that another peace officer holds a warrant for the arrest.

(f) When the peace officer has received positive information broadcast from a recognized police or other governmental radio station, or teletype, as may afford the peace officer reasonable cause to believe that a felony has been committed and reasonable cause to believe that the person has committed it.

(g) When the peace officer has reasonable cause to believe that the person is an escaped convict, or has violated a condition of parole from a prison, or has violated a condition of probation imposed by a court, or has violated a condition of a pardon granted by the executive.

(h) When the peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a motor vehicle involved in the accident and was driving the vehicle upon a public highway of this state while under the influence of intoxicating liquor."

B. Every member of the department shall take the customary precautions when taking a youthful offender into custody. There is no reason for a police officer to subject himself to possible bodily harm, regardless of the age of the offender.

5. REMOVAL OF A YOUTHFUL OFFENDER FROM SCHOOL

A youthful offender may legally be removed from a school under either of the following conditions:

A. When the investigating officer has the legal authority to make a lawful arrest without a warrant.

B. When the investigating officer has been so authorized by the probate court to take such child into custody.

(1) Although the law authorizes the arrest of a youthful offender while attending school, it shall be the policy of this department to exercise extreme care in determining whether the ends of justice are best served by such an arrest or removal from the school.

6. YOUTHFUL OFFENDER OF THE OPPOSITE SEX FROM THE INVESTIGATING OFFICER

The taking into custody and the resulting interview of a youthful offender of the opposite sex shall conform to the following policy:

A. An officer working alone shall take a youthful offender of the opposite sex into custody only in cases of extreme circumstances.

B. An officer shall be accompanied by another officer, preferably of the same sex as the offender, during an interview whenever possible.

C. In matters concerning involvement in sexual misconduct offenses or in sexual cases involving adult persons, the officer shall use that language which is appropriate and understandable. In such an interview, it is preferable that either parent or a person of the same sex as the offender (such as an officer or courtworker) be present.

7. NOTIFICATION OF PARENTS, GUARDIAN, OR CUSTODIAN

The arresting officer is required by law to notify the parents, legal guardian, or custodian of any child taken into custody; and the law specifies that it must be done forthwith.

A. Under no circumstances shall a youthful offender be apprehended and released by a member of the department without the notification of the parents, legal guardian, or custodian, except for traffic offenses. The parents, legal guardian, or custodian shall be called to the post for the child whenever it is practical to do so. If there is no other means of travel available, the officer shall furnish transportation.

8. INTERVIEWING THE YOUTHFUL OFFENDER

Interviewing a youthful offender is the most important phase of an investigation of an offense involving a youth. It is desirable to leave the youth with a sense of hope rather than frustration. It shall be the policy of the department to be fair, firm, friendly, and constructive during the interview of a youthful offender.

A. A youth will be accorded the same procedural rights as an adult during an interview and investigation.

(1) Some probate courts have indicated that the youth may be entitled to even further protection in regard to being interviewed and require that no youth may be interviewed without first advising both the child and his parents of their constitutional rights. They may further require that the parents, an attorney, or "friendly adult" of the child's choice be present during any questioning subsequent to receiving their "rights warnings." It therefore shall be the policy of the State Police that whenever possible youthful offenders and suspects shall only be interviewed in the presence of such persons.

B. The school is ordinarily an unsatisfactory place in which to interview and shall be used only in extreme cases. A policy of mutual understanding between school authorities and police officers is of paramount importance and it shall be the policy of the department to effect such understanding whenever possible.

9. RELEASE TO THE CUSTODY OF PARENTS OR GUARDIAN

The juvenile code favors the release of a youthful offender to his parents or guardian instead of detention at a county youth home.

A. The Juvenile Apprehension Report requires that a written release be obtained when a child is released to the custody of his parent or guardian [see Enclosure (23), Appendix D, Official Order No. 9]. When a youth is released who will be diverted or considered for diversion, the officer need only complete the "Parent/Guardian Custody" portion of the UD-23. If after a diversion conference the post community services officer decides to refer the youth to the probate court, the "Recognizance to Appear with Juvenile" portion of the UD-23 will be completed.

10. DETENTION AT A YOUTH HOME

A. The youthful offender may be placed in detention pending a hearing before a probate court judge.

(1) A youthful offender may be placed in detention under the following conditions as defined in Section 15 of Chapter 712A of the Compiled Laws of 1970, as amended:

a. Those whose home conditions make immediate removal necessary.

b. Those who have run away from home.

c. Those whose offenses are so serious that release would endanger public safety.

d. Those detained for observation, study, and treatment by qualified experts.

(2) Although the law stipulates that these certain conditions must exist before a youthful offender may be placed in detention, the means of detaining the subject may not be available, or the probate court judge may differ with the officer's opinion. Therefore, it shall be the policy of the department to obtain authorization from the judge or his representative for the detention of the youth.

B. The youthful offender who is a fugitive may be turned over to the agency having jurisdiction. This normally would only involve turning the youthful offender over to another police agency.

11. THE JUVENILE APPREHENSION REPORT

A Juvenile Apprehension Report (UD-23) will be submitted only on young persons who have reached their 10th birthday and have not reached their 17th birthday, who have been involved in criminal or Juvenile Code violations and who have actually been taken into custody. Juvenile traffic arrests will continue to be recorded on the UD-8 (Uniform Traffic Citation).

A. Completion of the Juvenile Apprehension Report (UD-23) will be by the investigating officer and will be in accordance with Enclosure (23), Appendix D, Official Order No. 9.

12. SCREENING CASES FOR DIVERSION ELIGIBILITY

Once the Juvenile Apprehension Report has been completed, except for an arrest number, the case will be initially screened by the investigating officer using the following guidelines to determine the youthful offender's eligibility for diversion:

A. When a youth is apprehended for any crime against a person which would be a felony if the offender were an adult, the youth must be petitioned.

B. When a youth is apprehended for any second or repeat offense against property which would be a felony if the offender were an adult, the youth must be petitioned.

C. When a youth is apprehended for any first offense crime against property which would be a felony if the offender were an adult, the youth may be considered for diversion. If the investigating officer decides not to petition the youth at this point, the case will be referred to the post community services officer for application of the diversion criteria.

D. When a youth is apprehended for an offense which would be a misdemeanor if the youth were an adult, the youth may be considered for diversion. If the investigating officer decides not to petition the youth at this point, the case will be referred to the post community services officer for application of the diversion criteria.

E. When a youth is apprehended for a status offense; i.e., curfew, truancy, incorrigibility, or runaway; the youth may be considered for diversion. Petitioning of status offenders should be used only when other alternatives have been exhausted. If the investigating officer decides not to petition the youth at this point, the case will be referred to the post community services officer for application of the diversion criteria.

13. REFERRING CASES TO PROBATE COURT

If after using the initial screening guidelines, found in Section 12, the investigating officer makes a determination to petition, the following procedures will be used:

A. A proper arrest number will be assigned to the completed Juvenile Apprehension Report (UD-23).

B. The investigating officer will provide the necessary information for a petition.

C. When a petition is to be signed against a youth in probate court, the investigating officer, court officer, or complainant will sign same.

D. Proceedings on noncounty residents will be initiated before the probate court of the county where an offense occurred unless advised otherwise by the judge or his representative.

E. The probate court shall be provided with a copy of the investigation report and all forms required by the probate court.

F. If the youth is waived by the probate court to a court of criminal jurisdiction, the youth becomes an adult in the eyes of the law; therefore, as soon as waiver proceedings have been completed, an Adult Arrest Report (UD-7B) will be submitted.

G. All official court matters regarding the youth will be channeled through the post community services officer with the criminal investigation being completed by the investigating officer.

14. FINGERPRINTS AND PHOTOGRAPHS OF YOUTHS

Fingerprints and photographs will not be obtained from youthful offenders or suspects except as provided for under the authority of the probate court of jurisdiction.

A. When authorized, only one copy of fingerprints and one set of photographs shall be taken. The fingerprints shall be taken on an applicant card.

B. These are to be kept at the post under the supervision of the post commander or turned over to the probate court. They shall be destroyed upon request of the probate court.

15. POLYGRAPH PROCEDURES FOR YOUTH

The investigating officer and the polygraph examiner must work together as a team to be effective. Therefore, the investigating officer is encouraged to contact the examiner prior to scheduling a juvenile for an examination.

A. Official Order No. 11, "Polygraph Policies and Procedures," states: "No examination will be given to any person under the age of 17 years without written permission from at least one parent, a guardian, or a probate judge having jurisdiction."

   (1) The investigating officer is required to submit a Juvenile Release for Polygraph Examination (FSD-5) in accordance with Enclosure (5), Appendix P, Official Order No. 9.

   (2) Additional information relating to the use of the polygraph is covered in Official Order No. 11.

16. JUVENILE RECORD PROCEDURES

A. The Juvenile Apprehension Report (UD-23), post copy, will be closed as soon as the decision is made as to whether to petition or divert the youthful offender.

B. The complaint will remain open until disposition information is available. Appropriate dispositional information will be incorporated into the body of the complaint and the proper disposition code will be entered on the Suspect/Arrest Record (UD-103).

C. Post Juvenile Apprehension Reports (UD-23) with a "D" number and diversion referral forms will be kept separate from post files on youths who were referred to juvenile court.

(1) All Juvenile Apprehension Reports (UD-23) on youths who were referred to juvenile court and all diversion records on diverted youth (except the complaint) shall be destroyed when the youthful offender reaches the age of twenty-one.

17. JUVENILE DIVERSION

A. Definition:

DIVERSION CAN TAKE PLACE AT ANY POINT BETWEEN A FORMALLY RECORDED APPREHENSION AND THE FORMAL ACCEPTANCE OF A PETITION BY THE JUVENILE COURT, BUT NOT BEYOND THE POINT OF JUVENILE COURT INTAKE.

DIVERSION OCCURS WHEN, IN LIEU OF FURTHER JUVENILE JUSTICE PROCESSING, ONE OF THE FOLLOWING ALTERNATIVES OCCURS:

(1) THE YOUTH IS RELEASED INTO THE CUSTODY OF HIS/HER PARENTS OR GUARDIANS.

(2) THE YOUTH VOLUNTEERS TO PARTICIPATE IN A PROGRAM DESIGNED TO MEET HIS/HER NEEDS.

B. Diversion Commentary:

(1) Diversion is an alternative to petitioning of the juvenile offender and is to be used when diversion will benefit the youth and the community more than petitioning the youth to the juvenile court. Diversion is to be used only when there is a substantial likelihood of conviction. When there is less than a substantial likelihood of conviction, the youth must be released without prosecution or diversion.

(2) The decision to divert will be made with the use of the diversion criteria found in Section 18 of this order. Once the decision to divert has been made, one of two options is available:

- a. Release the youth into the custody of his/her parents or guardian with no prosecution or follow-up participation required of the youth.

b. Release the youth into the custody of his/her parents or guardian and referral of the youth to a social service delivery agency which will meet the needs of the youth and his/her parents.

(3) Diversion will be voluntary on the part of the youth and the youth's parents/guardian. Diversion is a privilege and will be offered to the youth without threat of prosecution or bargaining. An accused youth who requests adjudication will be processed to the juvenile court if the diversion agreement involves more than simply releasing the youth to his parents/guardian. The diversion procedures are fully described in Section 19 of this order.

18. DIVERSION CRITERIA

The diversion criteria will be applied by the post community services officer to all cases which are considered for diversion to determine whether a particular youth should be diverted.

A. Nature of the Offense

The following considerations regarding the nature of the offense will be used:

(1) The relative seriousness of the crime. Consideration should be given to whether the offense was part of a series of offenses and the context in which the crime was committed.

(2) The degree of criminal sophistication utilized in the commission of the crime, such as the use of burglary tools or premeditation.

(3) The desire of the victim/complainant to prosecute. The victim/complainant should be informed of any decision to divert and how the decision was reached to insure his/her cooperation and satisfaction.

B. Age of the Offender

The following consideration should be made regarding the age of the apprehended youth:

(1) Intellectual and emotional maturity do not progress hand-in-hand with chronological age and, therefore, some youth of 16 might be very immature while others at 14 or 15 may show much greater maturity. Among the very young, the offense may be an impulsive act without great significance, or it may be a danger signal or an indication that help is needed. Although age of the offender plays an important part in the decision to divert, it must be considered in the context of the other diversion criteria.

C. Nature of the Problem Which Led to the Offense

In many cases, the commission of an offense is motivated by emotional, psychological, physical, or educational problems. The officer should look for obvious indicators of such problems; no attempt should be made to abridge the role of professionals in these areas. Knowledge of the juvenile's need for professional assistance with social/personal problems should be a deciding factor in the decision to divert.

D. A History of Contacts or the Use of Physical Violence

A review should be made to determine the contacts the youth may have had with official agencies of the juvenile justice system. The review should determine if the youth is a recidivist, if previous efforts to rehabilitate the youth nonjudicially have failed, or if the child has a history of the use of physical violence in the offenses committed.

(1) If the review indicates that the youth is a repeat offender, that diversion has failed in the past, that the youth has a history of the use of physical violence, or that the youth is currently involved with the juvenile court, the youth should be petitioned.

E. Character of the Offender and History of Behavior in School, Family, and Peer Group Settings

(1) A review of the character of the youthful offender should be conducted and should include such factors as: the youth's school performance; family characteristics, such as parental harmony and sibling relationships; physical characteristics, such as mental or physical illness or disabilities; maturity of the youth; the youth's relationships with his/her peers, including gang membership; responsibility of the youth, such as employment or job training; and evidence of drug or alcohol use or abuse.

(2) The character review must be impartial, objective, and nonjudgmental. Subculture life-styles, sullenness, posture, attitude, gestures, race, and sex must not be allowed to influence the character review and the ultimate decision to divert.

19. DIVERSION PROCEDURES

If, after application of the diversion criteria found in Section 18, the decision is made to divert, the following procedures will be followed:

A. The post community services officer will schedule a conference with the youth and the youth's parents or guardian and inform them of the scheduled conference which requires their voluntary participation in order to be successful. If the parents do not choose to participate, the refusal may indicate a need to refer the case to the probate court.

B. At the conference, the youth and the youth's parents or guardian will be informed of the decision to divert the youth, the criteria used to reach the decision, and how the decision was reached.

C. The youth and the youth's parents or guardian will be informed that if they agree to diversion or diversion with referral, a petition will not be filed on the youth.

D. The conference will be held after the investigation and all interviewing has been completed and no promises concerning diversion will be made during any questioning of the youth.

E. If the conference results in an agreement by the youth and the youth's parents to use diversion (without referral) as alternative to petitioning, the youth will be released into the custody and supervision of the youth's parents. A Juvenile Apprehension Report (UD-23) with a diversion number assigned will be submitted.

F. If the conference results in an agreement by the youth and the youth's parents to use diversion with referral as an alternative to petitioning, the terms of the agreement will be set forth on a Diversion Referral Agreement (UD-13), completed in accordance with Enclosure (13), Appendix D, Official Order No. 9. A Juvenile Apprehension Report (UD-23) with a diversion number assigned will be submitted.

G. If a conference is held but an agreement is not reached, the post community services officer may file a petition with the probate court. A petition should only be filed if the officer feels that it is necessary and appropriate under the circumstances. A Juvenile Apprehension Report (UD-23) with an arrest number assigned will be submitted.

H. If the post community services officer decides that petitioning would serve no purpose, the youth should be released into the custody of his parents, guardian, or custodian with no petition being filed. In such cases, record should be made of the refusal on the Complaint Report for use in the event of rearrest. A Juvenile Apprehension Report (UD-23) with a diversion number assigned will be submitted.

I. The post community services officer is encouraged to use the resources of the community whenever possible and to develop community resources rather than to simply divert youthful offenders without referral when such diversion without referral does not serve to meet the needs of the youth.

20. ABUSED OR NEGLECTED CHILDREN

In all matters that are drawn to the attention of State Police officers concerning the abuse, abandonment, or neglect of minor children, the police officer will conduct a complete investigation. Officers should not overlook the fact that the sexual abuse of a child by a person responsible for the child's health or welfare is a form of child abuse. There are some instances when it will be necessary to remove children from the home; it shall be done only upon the order of the probate court, except when the life or health of the child is in danger. Officers will also insure that an abused child receives necessary medical attention whenever the health or welfare of the child is endangered.

A. In child abuse and neglect investigations, officers must satisfy the legal obligations to conduct a criminal investigation and as such the findings of the investigation will be submitted to the prosecutor. Investigating officers are to cooperate with the Department of Social Services in conducting investigations under authority of Public Act 238 of 1975, known as the Child Protection Law. In deciding between rehabilitation or prosecution of an offender, it is the policy of the department to give consideration to rehabilitation as an alternative to prosecution.

(1) Whenever possible, the investigating officer should respond to the initial report of suspected child abuse or neglect together with a protective service worker from the local social service office. This approach will eliminate the duplication of interviews of witnesses, victim, and assailant. This will also eliminate the possibility of the police hindering the rehabilitative approach of the protective service worker or the protective service worker interfering with the collection of evidence or damaging the crime scene.

B. Public Act 238 of 1975 mandates reporting procedures for suspected abuse or neglect cases. The following procedures will be used in reporting this type of complaint:

(1) An immediate report of the incident by telephone or other means, will be made to the county social services office.

(2) Within a 72-hour period following receipt of a child abuse or neglect complaint, a completed Report of Actual or Suspected Child Abuse or Neglect (Department of Social Services form, DSS-3200) will be submitted to the county social services office [refer to Enclosure (80), Appendix K, Official Order No. 97].

(3) When someone other than the officer executes the required form, a notation to this effect will appear in the body of the officer's complaint report.

(4) When the officer submits the required form, a copy of same will be attached to the post copy of the complaint report.

C. Public Act 238 of 1975, the Child Protection Law, has the following provisions which may affect a police officer investigating cases of suspected child abuse or neglect.

(1) Section 6 (2) authorizes the examining physician to photograph the abused child; the officer may assist the physician by taking the photographs to insure that this evidence is preserved.

(2) Section 6 (3) allows the Department of Social Services to have a medical evaluation made without a court order if the child's health is seriously endangered and a court order cannot be obtained. Cooperation with the Department of Social Services will facilitate the investigating officer obtaining a physical examination when a court order cannot be obtained.

(3) Section 7 (1) allows police access to confidential Department of Social Services records on cases of abuse or neglect which police are investigating.

(4) Section 8 (1) mandates that the Department of Social Services will also investigate cases of suspected child abuse or neglect.

(5) Section 8 (2) states that the Department of Social Services will cooperate with police in relation to preventing, identifying, and treating child abuse and neglect.

(6) Section 8 (3) states that the Department of Social Services may seek assistance of law enforcement in conducting its investigation.

(7) Section 10 directs the court to appoint legal counsel to represent the abused child. The investigating officer should work with the child's attorney and exchange information and evidence to insure that the best interests of the child are protected.

(8) Section 11 abrogates any legally recognized privileged communication except that between attorney and client. This section allows the physician to give the investigating officer direct evidence.

21. REVISION RESPONSIBILITY

The responsibility for continuous updating and revision of this order lies with the Executive Division, in cooperation with the Bureau of Field Services.

Gerald Hough

DIRECTOR

Appendix D

MICHIGAN STATE POLICE DIVERSION EVALUATION

The Michigan State Police have been practicing juvenile diversion since April, 1975, when it became official department policy. The policy at that time allowed the investigating officer to make the diversion decision and offered the criteria found in the 1975 *Criminal Justice Goals and Standards for the State of Michigan* to guide his decision.

Under the current study, an evaluation of this diversion effort was undertaken. It involved an examination of the juvenile apprehension records of each of the 64 State Police posts for the year 1976. Basically, an attempt was made to determine the rate at which juvenile offenders were diverted from the juvenile justice system and the compliance with the governing official order. A study of selected posts was also undertaken to determine the rearrest rate of diverted juvenile offenders.

MICHIGAN STATE POLICE DIVERSION EVALUATION

The comprehensive evaluation of the State Police juvenile diversion effort involved a review of the juvenile apprehension records for 1976. The review was conducted by the project staff and the eight district co-ordinators who work for the Community Services Section. Information was gathered to determine the number of diversions, as well as the rate of diversion, for each post. The records were also reviewed for compliance with the letter and spirit of the diversion policy.

Evaluation Findings

- Statistical Findings. The statistical findings of the evaluation may be found on pages D-4 through D-7 of this appendix. It was found that the posts are diverting juvenile offenders at a rate ranging from 0 percent to 83 percent for a state average of 44 percent. This state-wide rate is felt to be acceptable; however, extensive field training will be used to make the use of diversion more uniform throughout the state (see Table I).

- Use of Referral Services. It was found that, in general, referral was not used. The referral rate state-wide was 2 percent. This means that in almost all cases, the offender was simply released into the custody and supervision of the parents or guardian. An outstanding exception to this case was found at Benton Harbor where the referral rate was 29 percent. The post participated in a county-wide diversion effort, and the post community services officer was intimately involved in the referral network. Field training will be used in an effort to increase the use of referral to community resources for juvenile offenders who need such help (see Table I).

- Diversion of Felonies. Under the governing order, it was not permissible to divert felony offenders, yet 9 percent of all diversions state-wide were for felony offense. However, this policy was found to conflict with the reality of the Michigan law and the circumstances of individual cases. For example, a shoplifting is a felony, yet the reality of many of these cases is that the child may have acted impulsively. The investigating officer apparently made a common-sense decision in these types of cases and determined that referral of the case to probate court would not be appropriate. A revision of Official Order No. 31 now allows for the diversion of juvenile offenders who commit a first offense against property; e.g., shoplifting and breaking and entering (see Table I).

TABLE I

MICHIGAN STATE POLICE POSTS
1976 NONTRAFFIC JUVENILE ACTIVITY

POST/DISTRICT	APPREHENSIONS	DIVERSIONS	PERCENT DIVERTED	MISDEMEANOR DIVERSIONS		FELONY DIVERSIONS		DIVERSIONS W/REFERRAL	
				N	(%)	N	(%)	N	(%)
Lansing 11	135	55	41	47	(86)	8	(14)	0	(0)
Brighton 12	321	151	47	140	(92)	11	(8)	0	(0)
Ionia 13	126	47	37	42	(89)	5	(11)	1	(2)
Ithaca 14	46	22	48	22	(100)	0	(0)	0	(0)
Owosso 15	211	61	29	61	(100)	0	(0)	1	(2)
State Capitol 16	10	6	60	5	(83)	1	(17)	0	(0)
DISTRICT #1	849	342	40	317	(93)	25	(7)	2	(1)
Northville 21	203	166	82	117	(70)	49	(30)	0	(0)
Romeo 22	367	207	56	206	(100)	1	(0)	0	(0)
St. Clair 23	242	122	50	109	(89)	13	(11)	0	(0)
New Baltimore 24	192	84	44	69	(82)	15	(18)	0	(0)
Flat Rock 25	123	77	63	77	(100)	0	(0)	0	(0)
Ypsilanti 26	196	87	44	84	(97)	3	(3)	0	(0)
Pontiac 27	353	121	34	121	(100)	0	(0)	0	(0)
Erie 28	350	148	42	138	(93)	10	(7)	4	(3)
Detroit 29	17	0	--	--	--	--	-	-	-
DISTRICT #2	2043	1012	50	921	(91)	91	(9)	4	(0)

TABLE I

MICHIGAN STATE POLICE POSTS
1976 NONTRAFFIC JUVENILE ACTIVITY

POST/DISTRICT	APPREHENSIONS	DIVERSIONS	PERCENT DIVERTED	MISDEMEANOR DIVERSIONS		FELONY DIVERSIONS		DIVERSIONS W/REFERRAL	
				N	(%)	N	(%)	N	(%)
Bay City 31	463	174	38	152	(87)	22	(13)	0	(0)
East Tawas 32	35	16	46	16	(100)	0	(0)	0	(0)
Bad Axe 33	53	18	34	18	(100)	0	(0)	0	(0)
Sandusky 34	84	37	44	33	(89)	4	(11)	1	(3)
Flint 35	266	115	43	113	(98)	2	(2)	0	(0)
West Branch 36	139	26	19	26	(100)	0	(0)	0	(0)
Bridgeport 37	304	80	26	74	(93)	6	(7)	0	(0)
Lapeer 38	137	55	40	54	(98)	1	(2)	0	(0)
Caro 39	114	44	39	44	(100)	0	(0)	2	(5)
DISTRICT #3	1595	565	35	530	(94)	35	(6)	3	(1)
Jackson 41	354	166	47	154	(93)	12	(7)	0	(0)
Clinton 42	102	45	44	40	(89)	5	(11)	0	(0)
Tekonsha 43	74	27	36	24	(89)	3	(11)	0	(0)
Blissfield 44	34	6	18	6	(100)	0	(0)	0	(0)
Jonesville 45	52	36	69	31	(86)	5	(14)	0	(0)
Battle Creek 46	309	171	55	170	(100)	1	(0)	0	(0)
DISTRICT #4	925	451	49	425	(94)	26	(6)	0	(0)

TABLE I

MICHIGAN STATE POLICE POSTS
1976 NONTRAFFIC JUVENILE ACTIVITY

POST/DISTRICT	APPREHENSIONS	DIVERSIONS	PERCENT DIVERTED	MISDEMEANOR DIVERSIONS		FELONY DIVERSIONS		DIVERSIONS W/REFERRAL	
				N	(%)	N	(%)	N	(%)
Paw Paw 51	137	41	30	38	(93)	3	(7)	0	(0)
White Pigeon 52	75	16	21	11	(69)	5	(31)	1	(6)
Niles 53	313	178	57	161	(90)	17	(10)	15	(8)
New Buffalo 54	73	60	82	59	(98)	1	(2)	0	(0)
South Haven 55	168	51	30	47	(92)	4	(8)	1	(2)
Wayland 56	272	115	42	102	(89)	13	(11)	3	(3)
Benton Harbor 57	206	170	83	170	(100)	0	(0)	50	(29)
DISTRICT #5	1244	631	51	588	(93)	43	(7)	70	(11)
Rockford 61	201	55	27	51	(93)	4	(7)	0	(0)
Reed City 62	85	19	22	19	(100)	0	(0)	0	(0)
Mt. Pleasant 63	102	54	53	54	(100)	0	(0)	0	(0)
Grand Haven 64	188	75	40	72	(96)	3	(4)	0	(0)
Newaygo 65	86	48	56	48	(100)	0	(0)	0	(0)
Hart 66	95	52	55	52	(100)	0	(0)	0	(0)
Lakeview 67	87	26	30	26	(100)	0	(0)	0	(0)
DISTRICT #6	844	329	39	322	(98)	7	(2)	0	(0)

TABLE I
MICHIGAN STATE POLICE POSTS
1976 NONTRAFFIC JUVENILE ACTIVITY

POST/DISTRICT	APPREHENSIONS	DIVERSIONS	PERCENT DIVERTED	MISDEMEANOR DIVERSIONS		FELONY DIVERSIONS		DIVERSIONS W/REFERRAL	
				N	(%)	N	(%)	N	(%)
Traverse City 71	89	54	61	46	(85)	8	(15)	0	(0)
Cheboygan 72	68	5	7	3	(60)	2	(40)	0	(0)
Gaylord 73	46	12	26	11	(89)	1	(11)	0	(0)
Alpena 74	212	84	40	54	(64)	30	(36)	6	(7)
Houghton Lake 75	162	36	22	34	(94)	2	(6)	0	(0)
Cadillac 76	66	33	50	28	(85)	5	(15)	2	(6)
Manistee 77	77	21	27	19	(90)	2	(10)	0	(0)
Petoskey 78	206	139	67	124	(89)	15	(11)	0	(0)
DISTRICT #7	926	384	41	319	(83)	65	(17)	8	(2)
Negaunee 81	184	91	49	64	(71)	27	(29)	0	(0)
Newberry 82	109	27	25	19	(70)	8	(30)	5	(19)
St. Ignace 83	106	36	33	28	(78)	8	(12)	0	(0)
Manistique 84	120	51	43	48	(94)	3	(6)	1	(2)
Gladstone 85	89	30	34	24	(80)	6	(20)	0	(0)
Iron Mountain 86	43	13	30	10	(77)	3	(13)	1	(8)
Wakefield 87	71	25	35	25	(100)	0	(0)	0	(0)
L'Anse 88	11	0	0	0	(0)	0	(0)	0	(0)
Stephenson 89	135	79	59	76	(96)	3	(4)	0	(0)
Calumet 90	96	27	28	24	(89)	3	(11)	0	(0)
Munising 91	42	14	33	14	(100)	0	(0)	0	(0)
Iron River 92	33	17	52	12	(71)	5	(29)	0	(0)
Sault Ste. Marie 93	77	28	36	21	(75)	7	(25)	0	(0)
DISTRICT #8	1116	438	39	365	(83)	73	(17)	7	(2)
STATE TOTAL	9542	4152	44	3787	(91)	365	(9)	94	(2)

- Other Findings. It was found that field personnel had difficulty implementing the procedures and spirit of the order. Diversion was a novel concept and was not fully understood by the officers investigating cases involving juvenile offenders. The policy was not supported by training at the time it was instituted. The present revision focuses diversion responsibility on the post community services officers who will be thoroughly trained in the concept of diversion and the procedures necessary for operationalizing the policy.

DIVERSION REARREST STUDY

A rearrest study was undertaken in an attempt to assess what contact with the juvenile justice system the diverted offenders were experiencing. Because of the large geographical area which the State Police serve, it was not possible to study all posts. Therefore, a sample of eight posts, which were the district posts (with the exception of District 1) where Community Services has a District Coordinator assigned, was chosen. This choice was made to facilitate the tracking of individual offenders.

A systematic sample was used, choosing every fifth name from a random list of all diverted juvenile offenders at each of the eight posts who were diverted during the year 1976. Each police agency in the post area was then visited to determine if the youth was rearrested within six months of the Michigan State Police apprehension. Sequential offenses were recorded, as well as the police action which was taken in each instance (diversion/petitioning of the youth).

It is readily conceded that the study is not rigorous research. It was, however, an attempt to find out basically what is happening to the children. It also shows that research is needed to more seriously track these offenders to determine which children should be diverted. A control group should be used to determine if there is any difference between the future criminal behavior of children of similar profiles when one is petitioned and the other diverted.

Findings

At the sample posts, the rearrest rate was found to be 14 percent and ranging from 0 percent to 30 percent. The reader should note that arrests are being counted, not children. This was done because the basic data routinely collected is activity, not offender-related.

Table II shows the rearrest activity by post area for each of the sample posts. Table III shows the specific arrest activity of the offenders who were identified. The table also shows that 22 percent of the repeat offenders had more than one rearrest during the period. Care was taken to protect the identity of individual offenders by deleting the names as soon as the field work was completed.

Field personnel encountered numerous problems in collecting the data; these problems ranged from inadequate records at some police departments to police agencies who would not share information. For this reason, the findings should be considered to be conservative estimates of the total criminal activity of youthful offenders in the state.

Conclusions

Because of the difficulty of obtaining arrest information, the authors have recommended that a central file be kept at the county level to record offender activity by name. This will eliminate the diverting of repeated "first offenders" by numerous police agencies in that county.

Because of the inadequacy of the information base used in diverting offenders, this manual has come out strongly to recommend a more thorough review of the offender before the diversion decision is made.

The fact that some posts showed no rearrests may indicate that there is not enough risk-taking. Perhaps more children need to be given a chance with diversion.

In summation, the information should be interpreted cautiously, but it does suggest that much more research needs to be done and that the recommendations of this manual should be seriously considered.

TABLE II

MICHIGAN STATE POLICE POSTS
DIVERSION REARREST STUDY

Rearrest Activity by Post Area

						FIRST REARRESTS WITHIN:						TOTAL REARRESTS	
		DIVERSIONS		SAMPLE		1 MONTH		3 MONTHS		6 MONTHS			
POST	APPREHENSIONS	N	(%)	N	(%)	N	(%)	N	(%)	N	(%)	N	(%)
Brighton 12	321	151	(47)	32	(21)	0	(0)	0	(0)	1	(3)	1	(3)
Northville 21	203	166	(82)	33	(19)	1	(3)	1	(3)	0	(0)	2	(6)
Bay City 31	463	174	(38)	34	(19)	1	(2)	2	(5)	6	(17)	9	(26)
Jackson 41	354	166	(47)	33	(19)	4	(12)	2	(6)	4	(12)	10	(30)
Paw Paw 51	137	41	(30)	9	(21)	1	(11)	0	(0)	1	(11)	2	(22)
Rockford 61	201	55	(27)	11	(20)	0	(0)	1	(9)	1	(9)	2	(18)
Traverse City 71	89	54	(61)	10	(18)	0	(0)	0	(0)	0	(0)	0	(0)
Negaunee 81	184	91	(49)	19	(20)	0	(0)	0	(0)	0	(0)	0	(0)
Total	1952	898	(46)	181	(20)	7	(3)	6	(3)	13	(7)	26	(14)

TABLE III

MICHIGAN STATE POLICE
DIVERSION REARREST STUDY
REARRESTS OF DIVERTED YOUTHFUL OFFENDERS

OFFENDER				1st REARREST			2nd REARREST		
AGE	RACE	SEX	OFFENSE OF RECORD	OFFENSE	TIME	ACTION	OFFENSE	TIME	ACTION
Brighton Post #12									
15	W	F	Runaway	Set Fire	5 mo.	Divert			
Northville Post #21									
16	W	M	Trespass	Disorderly	3 mo.	Divert			
15	W	M	Simple Larceny	MDOP[a]	1 mo.	Divert			
Bay City Post #31									
12	W	M	Runaway	Simple Larceny	6 mo.	Divert			
16	W	M	Assault & Battery	Disorderly	6 mo.	Petition			
15	W	F	Runaway	Runaway	6 mo.	Petition			
11	W	M	Assault & Battery	Assault & Battery	2 mo.	Petition			
14	W	F	Runaway	Simple Larceny	1 mo.	Petition	Incorrigible	3 mo.	Petition
				(3rd) Runaway	6 mo.	Petition			
12	W	M	Break & Enter	Escape	6 mo.	Returned			
11	W	M	Runaway	Simple Larceny	6 mo.	Divert			

---

[a] Malicious Destruction of Property

TABLE III

MICHIGAN STATE POLICE
DIVERSION REARREST STUDY
REARRESTS OF DIVERTED YOUTHFUL OFFENDERS

OFFENDER				1st REARREST			2nd REARREST		
AGE	RACE	SEX	OFFENSE OF RECORD	OFFENSE	TIME	ACTION	OFFENSE	TIME	ACTION
Jackson Post #41									
13	W	M	Vio. Control Substance	Wayward	1 mo.	Unknown			
16	W	M	Minor in Poss. Alcohol	Suspicious Per.	3 mo.	Divert			
14	W	F	Runaway	Simple Larceny	6 mo.	Petition			
14	W	F	Curfew	Runaway	2 days	Petition	Runaway	1 mo.	Divert
				(3rd) Incorrigible	4 mo.	Petition	(4th) Larceny	6 mo.	Petition
				(5th) Runaway	6 mo.	Petition			
16	W	M	Minor in Poss. Alcohol	Runaway	1 mo.	Unknown	MDOP[a]	3 mo.	Unknown
Paw Paw Post #51									
15	N	F	Littering	Runaway	1 mo.	Petition	Simple Larceny	4 mo.	Petition
Rockford Post #61									
14	W	F	Runaway	Runaway	5 mo.	Divert			
15	W	F	Truancy	UDAA[b]	2 mo.	Petition			

Traverse City Post #71 and Negaunee Post #81 - no rearrest activity

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[a] Malicious Destruction of Property

[b] Unlawful Driving Away of an Automobile

Appendix E

NEEDS ASSESSMENT QUESTIONNAIRE

The information on page E-3 has been obtained from the Police Diversion Questionnaire which, on February 4, 1977, was mailed out to 555 Michigan police departments to determine the state of the art of police-juvenile diversion in Michigan.

The response rate, as of March 22, 1977, was 62 percent.

The seven questions indicate how the respondents answered the questionnaire. *Note:* In some cases, the total may not add up to 343 since not all departments answered all the questions.

RESPONSE TO POLICE DIVERSION QUESTIONNAIRE

1. Do you have a practice of diverting youth (i.e., warning youth and returning them to parents or guardian)?

   Yes 319 93%
   No 17 5%
   Being Developed 6 2%

2. Does your practice include diverting youth to social agencies (other than the juvenile court)?

   Yes 219 64%
   No 110 32%
   Being Developed 13 4%

3. Have you developed written policies which cover diversion from the juvenile court?

   Yes 40 12%
   No 281 82%
   Being Developed 20 6%

4. Are your policies supplemented by written procedures for diversion?

   Yes 37 11%
   No 273 80%
   Being Developed 27 8%

5. If you do not have written policies or procedures on diversion, are you interested in developing them?

   Yes 263 77%
   No 40 12%
   Being Developed 16 5%

6. Would you be interested in implementing policies and procedures if they were provided you?

   Yes 215 63%
   No 18 5%

7. Are you interested in participating in training sessions on diversion?

   Yes 291 85%
   No 46 13%

Appendix F

TECHNICAL ASSISTANCE PROVIDERS AND COMMUNITY RESOURCES

Technical Assistance

The Michigan Office of Criminal Justice Programs provides technical assistance through its 14 regional and 3 local criminal justice planning units. The staffs of the regional planning units are experienced criminal justice experts and are excellent TA resources. A listing of the units and contact people appears as Appendix F, pages F-3 through F-6.

Community Resources

Many community resources are often overlooked by those who plan programs to benefit youth. A listing of community resources on page F-7 can be used as a starting point when programs such as diversion are being developed. It should also be noted that these same resources can sometimes be the source of valuable technical assistance.

CRIMINAL JUSTICE TECHNICAL ASSISTANCE
REGIONAL PLANNING UNITS

Directors		Counties
Anne Nolan Southeast Michigan Council of Governments (SEMCOG) 816 Book Building Detroit, Michigan 48226 (313) 961-4266	REGION 1	Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, Wayne
Frank Kruszka Region 2 Planning Commission Jackson County Tower Building 120 West Michigan Avenue Jackson, Michigan 49201 (517) 788-4426	REGION 2	Hillsdale, Jackson, Lenawee
Rod Witt Southcentral Michigan Crime Commission 1500 Lamont Street Kalamazoo, Michigan 49001 (616) 383-8756	REGION 3	Barry, Branch, Calhoun, Kalamazoo, St. Joseph
Brenda Anders Southwestern Michigan Regional Planning Commission 2907 Division Street St. Joseph, Michigan 49085 (616) 983-1529	REGION 4	Berrien, Cass, VanBuren
Eugene Baldwin Region 5 Planning Commission Joseph Galiver Building 932 Beach Street Flint, Michigan 48502 (313) 766-8500	REGION 5	Genesee, Lapeer, Shiawassee

CRIMINAL JUSTICE TECHNICAL ASSISTANCE REGIONAL PLANNING UNITS

Directors		Counties
Michael DeLeeuw Tri-County Regional Planning Commission 2722 East Michigan Avenue Lansing, Michigan 48912 (517) 487-9424	REGION 6	Clinton, Eaton, Ingham
Larry Szynkowski East Central Michigan Planning & Development Region P. O. Box 930 Saginaw, Michigan 48606 (313) 752-0100	REGION 7	Arenac, Clare, Gladwin, Gratiot, Huron, Isabella, Midland, Ogemaw, Iosco, Roscommon, Saginaw, Sanilac, Tuscola, Bay
Marvin Zwiers Region 8 Criminal Justice Planning Council 333 Monroe Avenue, N.W. Grand Rapids, Michigan 49503 (616) 456-3843	REGION 8	Mason, Lake, Osceola, Newaygo, Mecosta, Montcalm, Kent, Ionia
Ken Lashuay Northeast Michigan Economic Development District Old Hospital Building Box 457, 408 W. Main Gaylord, Michigan 49735 (517) 732-3551	REGION 9	Cheboygan, Presque Isle, Otsego, Montmorency, Alpena, Crawford, Oscoda, Alcona
Tom Lipps Northwest Michigan Planning & Development Commission 160 E. State Street Traverse City, Michigan 49684 (616) 946-4141	REGION 10	Emmet, Charlevoix, Antrim, Leelanau, Benzie, Grand Traverse, Kalkaska, Manistee, Wexford, Missaukee

CRIMINAL JUSTICE TECHNICAL ASSISTANCE REGIONAL PLANNING UNITS

Directors		Counties
Dave Tremont Eastern Upper Peninsula Regional Planning Commission Lake Superior State College Sault Ste. Marie, Michigan 49783 (906) 635-1581	REGION 11	Luce, Chippewa, Mackinac
Danny Peterson Central Upper Peninsula Planning & Development District 2415 14th Avenue, South Escanaba, Michigan 49829 (906) 786-9234	REGION 12	Marquette, Alger, Schoolcraft, Dickinson, Delta, Menominee
Paul Doucette Western Upper Peninsula Planning & Development Region P. O. Box 365 Houghton, Michigan 49931 (906) 482-7205	REGION 13	Keweenaw, Houghton, Ontonagon, Baraga, Gogebic, Iron
Raymond J. Gutknecht West Michigan Shoreline Regional Development Commission Torrent House 315 W. Webster Avenue Muskegon, Michigan 49440 (616) 722-7878	REGION 14	Oceana, Muskegon, Ottawa

CRIMINAL JUSTICE TECHNICAL ASSISTANCE LOCAL PLANNING UNITS

Directors		Counties
Alfred N. Montgomery Detroit/Wayne County Criminal Justice Coordinating Council 707 City-County Building 2 Woodward Avenue Detroit, Michigan 48226 (313) 224-2276	LPU 21/22	Wayne
R. J. Rhodes Oakland County Criminal Justice Coordinating Council 1200 N. Telegraph Road Pontiac, Michigan 48053 (313) 858-0499	LPU 23	Oakland
Paul Phelps Macomb County Law Enforcement & Criminal Justice Coordinating Council Macomb County Building Mt. Clemens, Michigan 48043 (313) 469-5270	LPU 24	Macomb

COMMUNITY RESOURCES

Below is a listing of community resources, many of which are often overlooked in planning services for youth. Each community can use this as a beginning point and expand it as appropriate.

Alcoholic Center
American Legion
Art Center
Arts Foundations
Association for Children with Learning Disabilities
Association for Deaf
Association for Retarded Children
Association of Christian Churches
Association of Parent Education, Inc.
Association of University Women
Athletic Club
Bankers Association
Baptist Association
Bar Association
Boy Scouts
Boys' Club
Catholic Family and Children Service
Catholic Family Services
Catholic Foundation, The
Chamber of Commerce
Child Guidance Clinic
Children's Museum
Christian Center
Christian Service, Inc.
Citizens Council
Civil Liberties Union
Community Public Service
Community Service Bureau
Community Service Center
Community Theater
Council of Churches
County Community Action Committee
Daughters of the American Revolution
Elks Lodge
Girl Scouts
Health and Science Museum
High School Service Clubs
Inner City Parish
Jaycees
Jewish Community Center
Jewish Family Service
Jewish Vocational Counseling Center
Junior Chamber of Commerce
Kiwanis
Labor Council (e.g., AFL-CIO)
League of Women Voters
Lions Club
Local College or University
Masonic Lodge
Moose Lodge
Museum of Fine Arts
Negro Chamber of Commerce
Optimists
Parent Teachers Association
Police Association Club
Professional Sports Team
Salvation Army
Senior Citizen Program
Urban League, Youth Incentive Employment
Veterans of Foreign Wars
Women for Change Center
Women in Community Service, Inc.
Women's Club
Women's Guidance Service
YMCA
YWCA
4-H Club

Appendix G

MICHIGAN COALITION OF RUNAWAY SERVICES AND RUNAWAY CENTER DIRECTORY

Michigan Coalition of Runaway Services

The Michigan Coalition of Runaway Services (MCRS) is available to provide a wide variety of services directed at virtually all aspects of runaway programming, including: staff training; budget and program planning; fiscal control methods; interpretation of and compliance assistance with Michigan foster care, shelter care, and small institution licensing regulations; information on runaway programming throughout the state and country; program initiation and development assistance; information systems; and development of improved inter- and intra-community agency co-operation. Assistance is available on-site and without charge subject to the demonstration of need and availability of MCRS staff. Initial inquiries and requests for assistance may be either written or verbal and directed to:

2843 1/2 East Grand River
East Lansing, Michigan 48823 (517) 351-9595
Contact: Ms. Vondie Moore or Mr. Mark Bertler

Runaway Centers Located in Michigan

Many of the 20 runaway centers located throughout the state provide direct diversionary services to troubled youth. In addition to temporary nonsecure shelter care, these facilities often provide crisis intervention counseling and related services designed to assist both the youth and his family. A directory of runaway centers and their locations is found on pages G-3 and G-4.

RUNAWAY CENTER DIRECTORY

1. *The Bridge
Marilyn Vineyard, Director
221 John Street, N.E.
Grand Rapids, MI 49503
Phone: (616) 451-3001

2. CORY Place
Patricia Brindley, Director
509 Center Avenue
Bay City, MI 48706
Phone: (517) 895-5563

3. Out Wayne County Youth Services Coalition
Nancy Alexander, Exec. Director
19101 Inkster Road
Romulus, MI 48174
Phone: (313) 782-4800

Programs: *Counterpoint
715 Inkster Road
Inkster, MI 48141
Phone: (313) 563-5005

*SOAP I
715 Inkster Road
Inkster, MI 48141
Phone: (313) 563-5005

4. *Detroit Transit Alternative
I. Roy Jones, Director
680 Virginia Park
Detroit, MI 48202
Phone: (313) 821-8470

5. *Innerlink
Tom Jarema, Coordinator
515 South Jefferson
Saginaw, MI 48601
Phone: (517) 753-3431

Admin. Offices: Ron Spess
Saginaw Co. Youth Serv.
107 South Washington
Saginaw, MI 48607
Phone: (517) 752-5175

6. *Link
Polly Learned, Exec. Director
2002 South State Street
St. Joseph, MI 49043
Phone: (616) 983-6351

7. Ozone House
Roger Kerson, Coordinator
608 North Main
Ann Arbor, MI 48108
Phone: (313) 662-2222

8. *Sanctuary
Mary Schaefer, Director
249 West Ten Mile Road
Pleasant Ridge, MI 48069
Phone: (313) 547-2260

9. *Webster House
Bill MacDermaid, Director
446 West Webster
Muskegon, MI 49441
Phone: (616) 722-2694

10. *North End Concerned Citizens Community Council (NEC-4)
2015 Webb Street
Detroit, MI 48206
Phone: (313) 865-4800

11. Third Level Runaway Services Prog.
Maureen Kirchhoff, Director
118 South Cass
Traverse City, MI 49684
Phone: (616) 941-2280

12. *Ark
Leslie DeFinta, Director
1521 Gull Road
Kalamazoo, MI 49001
Phone: (616) 343-8765

13. REACH
Bob Tambellini, Director
1020 Oak Street
Flint, MI 48503
Phone: (313) 762-1656

14. *Kent County Crisis Intervention Center
1501 Cedar Street, N.E.
Grand Rapids, MI 49502
Phone: (616) 774-3675

*Denotes programs with on-site residential facilities

RUNAWAY CENTER DIRECTORY

15. *Macomb County Youth Interim Care Facility
Meri Schaper, Director
4227 Bart Street
Warren, MI 48091
Phone: (313) 758-7040

Admin. Offices:	Comprehensive Youth Serv. Sherry McRill, Exec. Dir. 111 Cass Avenue Mt. Clemens, MI 48043 Phone: (313) 463-7079

16. *Harbor
Fritz Streit, Director
929 Pine
Port Huron, MI 48060
Phone: (313) 982-8584

17. Rainbow
John Briggs, Director
P.O. Box 297
2373 Gordon Road
Alpena, MI 49707
Phone: (517) 356-3474

18. *Refuge
Ron Sarri, Director
604 East Spruce Street
Sault Ste. Marie, MI 49783
Phone: (906) 635-0585

19. Choice
Tara Romano, Director
323 North River Avenue
Holland, MI 49423
Phone: (616) 846-8260

20. Equal Ground
Ron Smith, Director
415 Park Lane
East Lansing, MI 48823
Phone: (517) 337-1611

RESOURCES - STATE LEVEL:

Office of Criminal Justice Programs
Ralph Monsma, Juvenile Justice Specialist
Lewis Cass Building, 2nd Floor
Lansing, MI 48933
Phone: (517) 374-9600

Three O'Clock Lobby
P.O. Box 431
East Lansing, MI 48824
Phone: (517) 482-7614

Office of Children and Youth Services/MDSS
Susan Allen, Runaway Services
David C. Mills, Diversion Serv.
Commerce Center, 9th Floor
300 South Capitol Avenue
Lansing, MI 48926
Phone: (517) 373-8225

RESOURCES - NATIONAL LEVEL:

National Network
1705 DeSales Street, N.W.
Washington, D.C. 20036
Phone: (202) 466-4212

The Youth Development Bureau (HEW)
330 Independence Avenue, S.W.
Washington, D.C. 20201
Phone: (202) 245-2870

National Youth Work Alliance
1346 Connecticut Avenue
5th Floor
Washington, D.C. 20036
Phone: (202) 785-0764

*Denotes programs with on-site residential facilities

Appendix H

POLICE-JUVENILE DIVERSION PROGRAMS:

SITES VISITED

As part of the attempt to develop juvenile diversion program guidelines, the authors visited all operating in-house programs in Michigan and selected sites out of state. Six self-initiated in-house programs were identified in Michigan, as well as two programs in the start-up stage. Seven out-of-state programs were identified, with the assistance of the National Center for Juvenile Justice. All were police diversion programs, with the exception of Essex County (Windsor), Ontario, which was a court program.

Relevant information, including a brief description of each program, is included in this appendix. The information collected at each site proved exceedingly valuable in guiding the authors in setting down guidelines for making working police diversion programs successful.

Page

Michigan Programs

Benton Harbor Police Department H - 3
Bloomfield Township Police Department H - 4
Grosse Pointe Woods Department of Public Safety H - 5
Pontiac Police Department H - 6
Taylor Police Department H - 7
Westland Police Department H - 8

Out-of-State Programs

Baltimore County, Maryland, Police Department H - 9
Camden, New Jersey, Police Department H - 10
Dallas, Texas, Police Department H - 11
Essex County (Windsor), Ontario, Ministry of Correctional Services H - 13
Greece, New York, Police Department H - 14
Newark, Delaware, Police Department H - 15
New Haven, Connecticut, Police Department H - 16

NAME OF PROGRAM: Benton Harbor Police Department
Youth Liaison Program

ADDRESS: 200 Wall Street
Benton Harbor, Michigan 49022

TELEPHONE: (616) 427-1361

CONTACT PERSON: Betty Stevens

PROGRAM DESCRIPTION:

The overall objective of the Youth Liaison Program is to defer prosecution of juvenile offenders where it is determined that alternative methods of treatment can, or may, be effective. Youthful offenders between the ages of 7 and 14 are assigned to an adult paraprofessional civilian member of the police department who provides direct individual, peer group, or family counseling. Referrals to the program are made through police contacts, schools, parents, or social agencies.

NAME OF PROGRAM: Bloomfield Township Police Dept.
Community and Youth
Relations Section

ADDRESS: 4200 Telegraph Road
Bloomfield Hills, Michigan 48013

TELEPHONE: (313) 644-5555

CONTACT PERSON: Det./Sgt. Pete Earp
(Program Coordinator)

PROGRAM DESCRIPTION:

The sworn personnel assigned to the Community and Youth Relations Section are well qualified in that several of the Section's officers possess Master of Arts degrees in Guidance and Counseling. These skills are applied in the form of guidance and crisis intervention counseling which the Section offers troubled youth. Another aspect of the Section's diversionary effort is a strong liaison with community-based referral agencies which are utilized whenever in-house counseling is deemed inappropriate. Recidivism rates are closely monitored, and families are often contacted in the home setting to facilitate maximum involvement of both parents in an effort to alleviate a delinquency problem.

NAME OF PROGRAM: Grosse Pointe Woods Department
of Public Safety
Youth Service Counseling Program

ADDRESS: 20025 Mack Avenue
Grosse Pointe Woods, Mich. 48236

TELEPHONE: (313) 886-2908

CONTACT PERSON: Ruth Cummings

PROGRAM DESCRIPTION:

The Youth Service Counseling Program serves all five Grosse Pointes and is a part of the Grosse Pointe Youth Service Program which is administered by the Grosse Pointe Woods Department of Public Safety. The program, which has been operational since 1972, is designed for offenders who, in the judgment of the investigating officer, require more than just a warning, but not formal adjudication.

Seniors and graduate students in the fields of police administration or one of the social sciences serve on a part-time basis as counselors to adjunct counseling provided by school counselors and school social workers. Participants are requested to attend weekly counseling for periods ranging from several weeks to six months. The program is totally voluntary on the part of both the youth and his parents.

This program is no longer operational as of June, 1979. Inquiries concerning this program should be directed to the authors or Ruth Cummings (address listed above).

NAME OF PROGRAM:	Pontiac Police Department Youth Advisor Program
ADDRESS:	110 East Pike Street Pontiac, Michigan 48059
TELEPHONE:	(313) 857-8052
CONTACT PERSON:	Judy Burkhardt

PROGRAM DESCRIPTION:

Under this program, troubled youth are referred directly to a full-time civilian youth advisor who provides either direct counseling or referral of the youth to an appropriate social agency in the community. Additional alternatives include the utilization of recreational programs (police athletic league), part-time employment, and tutoring. Referrals to the program are made through police contacts and walk-ins. The youth advisors are qualified social workers.

NAME OF PROGRAM: Taylor Police Department
Specialized Youth Unit

ADDRESS: 22655 Wick Road
Taylor, Michigan 48180

TELEPHONE: (313) 941-8240

CONTACT PERSON: Sgt. Robert Robinson

PROGRAM DESCRIPTION:

The city of Taylor developed the federally funded Specialized Youth Unit to control and reduce the city's juvenile crime problem, specifically in three major "Impact Areas" identified as having high levels of juvenile crime and delinquency.

Specialized Youth Unit teams consisting of a youth officer and a professional social worker are responsible for neighborhood street patrol and follow-up on all complaints involving youth in their areas. The program is designed to provide intake and direct counseling services to any youth residing in the Impact Areas. The program also provides follow-up services and referral to appropriate social service agencies as needed.

This program is no longer operational as of June, 1979. Inquiries concerning this program should be directed to the authors or Sgt. Robert Robinson (address listed above).

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NAME OF PROGRAM:	Westland Police Department Youth Energy Service Program
ADDRESS:	32715 Dorsey Westland, Michigan 48188
TELEPHONE:	(313) 721-0087
CONTACT PERSON:	Ross Diaz

PROGRAM DESCRIPTION:

The primary focus of the federally funded Youth Energy Service (Y.E.S.) Program is on the residents of a specific geographic area, known as the Norwayne Housing Project, within the city of Westland. The program is staffed by a certified counselor and two city police officers who patrol and serve as outreach workers for the program. The Y.E.S. Program assists the Norwayne neighborhood with family crisis intervention, recreation, youth employment, family counseling, welfare services, and referrals to community service agencies. Youths are referred to the program through police contacts and on a walk-in basis.

NAME OF PROGRAM: Baltimore County, Maryland, Police Department
Juvenile Offenders in Need of Supervision (JOINS)

ADDRESS: 7209 Belair Road
Baltimore, Maryland 21206

TELEPHONE: (301) 687-4040

CONTACT PERSON: Maj. Patricia Hanges

PROGRAM DESCRIPTION:

The JOINS Unit is a federally funded diversion project operated by the department's Youth Bureau and is targeted at two areas of the county with juvenile crime problems. The staff consists of four detectives, one civilian/counselor, and a sergeant/supervisor. To be admitted to the program, a youth must (1) have committed a minor or status offense, (2) admit his guilt, and (3) be a first-time offender. Diversion may result in (1) warning and release, (2) limited counseling by the civilian/counselor and volunteer workers, or (3) referral to an approved community-based resource.

In addition to the above activities, the project is involved in: an in-school program, which acquaints students with the criminal justice system and the consequences of delinquency; a community relations program to develop referral sources and procedures; in-service training for police officers in proper techniques for handling juveniles; a volunteer counselor program to utilize qualified civilians; field trips for incorrigible juveniles to a training school to show them what incarceration is like; and a runaway program for follow-up on all runaway reports.

NAME OF PROGRAM: Camden, New Jersey, Police Dept.
Youth Services Program

ADDRESS: 5th and Taylor Streets
Camden, New Jersey 08102

TELEPHONE: (609) 757-7369

CONTACT PERSON: Lt. Clement Queiroz

PROGRAM DESCRIPTION:

The juvenile diversion activity is part of a comprehensive community services program administered by the Community Services Division of the police department. Referrals to the Youth Services Program are made primarily by the juvenile detectives of the Youth Services Bureau which shares the same building with the Program. Referrals are also made by school personnel, community agencies, the juvenile court, parents, and self-referral.

Service delivery is provided by four social workers, a staff psychologist, volunteers, and consulting psychologists and psychiatrists. Services provided include staff counseling, crisis intervention, tutorial services, psychological and psychiatric evaluation, supportive services (food and clothing), and referral to outside agencies.

Note: The program has been transferred to the Department of Human Resources (a city department) since this site was visited and is now funded by the New Jersey Division of Youth and Family Services.

NAME OF PROGRAM:	Dallas, Texas, Police Department Youth Services Program (YSP)
ADDRESS:	106 South Harwood, Rm. 225 Dallas, Texas 75201
TELEPHONE:	(214) 670-4426
CONTACT PERSON:	Lt. R. D. Wilson (Program Coordinator)

PROGRAM DESCRIPTION:

The Dallas Police Department's Youth Services Program is, undoubtedly, the most sophisticated and comprehensive police-juvenile diversion program that this project encountered.

The Youth Services Program is an operational unit of the Dallas Police Department's Youth Section. It is staffed by sworn officers and civilian personnel, with a police lieutenant serving as the program's director.

Twelve counselors, supervised by a counseling psychologist, are assigned to the Youth Section as a counseling unit to provide direct programs to apprehended youths.

There are two subprograms to the YSP: (1) the First Offender Program (FOP), and (2) the Counseling Unit. The FOP consists of a three-hour lecture/awareness program, conducted by sworn officers for minor first offender youths, covering such topic areas as the law, implications of future illegal acts, and drug abuse.

The Counseling Unit program is developed for more serious offenders such as repeaters and felons, as well as misdemeanants and runaways. Each youth referred to the Counseling Unit is assigned a counselor and receives more in-depth services to increase his/her physical, intellectual, and emotional functioning which appear as the problem areas affecting his/her criminal behavior.

The model adopted to implement the program was Robert Carkhuff's (1971) Human Resource Development (HRD) Model, which emphasizes the physical, intellectual, and emotional skills of helper and helpee. The model was applied to the selection and training of police and counseling staff and to the training-as-treatment methods employed with targeted youth.

When an arrested youth is brought to the Youth Section, the investigator initiates an interview and helping process to determine the needs of the child and the most functional disposition. Time is allocated for the investigator to get a more personal view of the youth. If the youth is referred to the

FOP, he/she will receive the three-hour awareness lecture by police officers on two successive nights within one month of arrest.

If the youth is assigned to the Counseling Unit, he/she is immediately assigned and contacted by a counselor. The counselor will process the youth through a systematic three-stage program:

1. The youth first enters an intake stage whereby the counselor assesses the physical, intellectual, and emotional needs and problems of the youth.

2. The youth next enters a direct treatment stage whereby the counselor develops either an individual, group, or referral program for the youth. The parents of the youth also receive a two-hour orientation and training on how to help their child in the program.

3. The last phase a youth goes through is follow-up. After the direct treatment stage, the youth is given "homework" to follow through in the form of constructive activity participation. For four months, the youth returns to his counselor to discuss any problems he might be having, as well as review his progress on his physical, intellectual, and emotional homework assignments.

Throughout the three phases, close communication and co-operation is maintained between referring officer and counselor.

The basic direct treatment mode given to referred youths is the group training program lasting 16 hours. The program systematically teaches the youth the physical (fitness), emotional (relating to others), and intellectual (study/learning) skills needed to be more successful and avoid trouble in home, school, and neighborhood problem areas. With an emphasis upon skill acquisition, the youths are learning tangible skills and responses to employ in their lives to avoid trouble, be more successful, and seek self-improvement.

NAME OF PROGRAM: Essex County (Windsor), Ontario, Ministry of Correctional Services
Essex County Diversion Project

ADDRESS: 250 Windsor Blvd., 2nd Floor
Windsor, Ontario N9A 6V9

TELEPHONE: (519) 252-2759

CONTACT PERSON: Terry Bull

PROGRAM DESCRIPTION:

The program is run by the juvenile court and is highly sophisticated. Youth are diverted from the court process at the intake stage after a profile of the young person's functioning and family relationships is developed and after application of a written set of criteria. Treatment is provided by referral to social service programs. Four options are available to the diversion worker: (1) cautioning the child verbally, (2) developing a compensatory task agreement, (3) developing a referral agreement, or (4) moving the case on to the court.

The compensatory task agreement is a restitution program where the victim is either paid back with money or work. The program involves victims to insure that they approve of the use of diversion. Lawyers are provided to the young person and his parents, and advice is offered on the strength of the child's case, as well as the procedures of the diversion program. Any youth successfully completing diversion has his file sealed.

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NAME OF PROGRAM: Greece, New York, Police Dept.
Youth Reorganization Project

ADDRESS: 400 Island Cottage Road
Rochester, New York 14612

TELEPHONE: (716) 225-2525

CONTACT PERSON: Youth Officer Deborah Dwyer
(Program Coordinator)

PROGRAM DESCRIPTION:

The Youth Reorganization Project involves a police-social worker approach within the Greece Police Department's Juvenile Division. This program is commonly referred to as the "Store Front Cops Project" due to the fact that the Juvenile Division is physically separated from the police department. A residential home is utilized by civilian counselors and youth officers as a nonthreatening environment from which to work with parents and youth.

The project provides immediate alternatives to prosecution for youthful offenders through a comprehensive assessment of needs, direct counseling, recreational activities, and referral to community-based agencies for specialized services when appropriate.

The program has significantly reduced the number of petitions to the family court and has effectively established outreach activities in the schools.

NAME OF PROGRAM: Newark, Delaware, Police Dept. Juvenile Diversion Program

ADDRESS: 294 East Main Street
Newark, Delaware 19711

TELEPHONE: (302) 738-6500

CONTACT PERSON: Cpl. Alexander W. Von Koch

PROGRAM DESCRIPTION:

The Juvenile Diversion Program is federally funded and is staffed by one officer who is responsible for all juvenile contacts made by the department. A contact file is used to identify predelinquents, offenders, and recidivists. Counseling is used to help keep identified youths from committing delinquent acts and also to keep offenders (except felons) out of the juvenile justice system.

Families are interviewed at the police station where an agreement setting down the terms for the diversion, if the youth is to be diverted, is signed by the child, his parents, and the diversion officer. For youths accepted into the diversion program, a standard six months of "administrative probation" is imposed during which the case may be prosecuted if the probation terms are violated. Five basic alternatives are used for diversion: (1) reporting once every two weeks to the diversion officer, (2) assignment to professional counseling, (3) referral to a group home, (4) referral to the Department of Social Services, and (5) the infusion of the youth into a local youth group.

NAME OF PROGRAM:	New Haven, Connecticut, Police Department Police Screening and Diversion Program
ADDRESS:	1 Union Avenue New Haven, Connecticut 06519
TELEPHONE:	(203) 787-6291
CONTACT PERSON:	Mrs. Hattie Turner

PROGRAM DESCRIPTION:

The New Haven Police Department hired a civilian Juvenile Case Screener in 1974 to assist the department's Youth Services Unit. The screener reviews all case incident reports involving juveniles and separates out those that are eligible for diversion. The screener then makes recommendations to a committee (consisting of the officer in charge of the Youth Services Unit, one detective from the YSU, and the screener) which discusses and reviews the screener's recommendations before making a final determination.

Those youths considered to be acceptable candidates for diversion are either simply released to their parents or referred to an independent "Youth Service Network" (youth service bureau) which, in turn, channels the youth to an appropriate community agency where he will receive assistance with his problem.

The Juvenile Case Screener insures that the youth contacts the Youth Service Network and follows the referral through the entire process.

The screener has been instrumental in expanding the number of community agencies serving youthful offenders. Since the inception of the program, recidivism rates and referrals to probate court have dropped significantly, and the success of the program has created strong community and departmental support for the program.